

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

Board of Governors Meeting
Public Session Materials

May 17-18, 2018
WSBA Conference Center
Seattle, 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*
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	October 26, 2017
January 18-19, 2018	Bellwether Bellingham, WA	BOG Meeting	December 21, 2017	January 3, 2018	December 14, 2017
March 8, 2018 March 9, 2018	Red Lion Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 15, 2018	February 21, 2018	February 15, 2018
May 17-18, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	April 26, 2018	May 2, 2018	April 26, 2018
July 26, 2018 July 27-28, 2018	Hilton Vancouver, WA	BOG Retreat BOG Meeting	June 28, 2018	July 11, 2018	June 28, 2018
September 27-28, 2018 September 27, 2018	WSBA Conference Center Seattle, WA Sheraton	BOG Meeting WSBA APEX Awards Banquet	September 6, 2018	September 12, 2018	September 6, 2018 8:00 am – 10:00 am

*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



Bill Hyslop
Immediate Past President



Paula Littlewood
Exec. Dir./Secretary

2017-2018





Discussion Protocols Board of Governors Meetings

Philosophical Statement:

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

Governor's Commitments:

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



BOARD OF GOVERNORS

WSBA VALUES

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

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

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



BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

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

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



BOARD OF GOVERNORS

Anthony David Gipe
President

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November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

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

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers

- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

Working Together to Champion Justice

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



**Board of Governors Meeting
WSBA Conference Center
Seattle, WA
May 17-18, 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, MAY 17, 2018

GENERAL INFORMATION 2

1. AGENDA 19

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approval of March 8, 2018, Executive Session Minutes **(action)** E-2
- b. March 29, 2018, Special Meeting Executive Session Summary **(information)** E-7
- c. Approval of April 6, 2018, Special Meeting Executive Session Minutes **(action)** E-13
- d. President's and Executive Director's Reports
- e. WSBA APEX Awards Committee Recommendations **(action)** E-15
- f. BOG Election Interview Time Limits **(action)** E-146
- g. Discipline Report (written only) E-149
- h. Litigation Report – Sean Davis E-160
- i. Meeting Evaluation Summary E-176

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

1:00 P.M. – PUBLIC SESSION

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

MEMBER AND PUBLIC COMMENTS

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

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

OPERATIONAL

3. **FIRST READING/ACTION CALENDAR**

a. Interview and Selection of 2018-2019 WSBA President-Elect (action)	24
1. Rajeev D. Majumdar	25
2. Douglas R. Shepherd	77
3. Geoffrey G. Revelle	91
b. Interview and Selection of 2018-2021 WSBA At-Large (New and Young Lawyers) Governor (action)	138
1. Zishan Lokhandwala.....	141
2. Russell A. Knight.....	148

STRATEGIC ITEMS

4. UPDATE FROM PRACTICE OF LAW BOARD – Paul Bastine, Chair	159
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FRIDAY, MAY 18, 2018

8:00 A.M. – EXECUTIVE SESSION (*tentative*)

9:00 A.M. – PUBLIC SESSION

OPERATIONAL (continued)

5. **FIRST READING/ACTION CALENDAR (continued)**

c. Appoint Frederick B. Rivera to Legal Foundation of Washington Board (action)	217
d. Adopt Proposed Personnel Committee Executive Director Succession Plan – Governor Angela Hayes, Chair, and Frances Dujon-Reynolds, Director of Human Resources (action)	221
e. Approve Proposed WSBA Bylaw Amendments re President’s and Governors’ Authority (action)	225
f. Approve Addition of New Governors Work Group Charter and Roster – Governor Alec Stephens and Governor Dan Bridges (action)	306
g. Approve President-elect Selection Work Group Charter and Roster – Governor Chris Meserve (action)	late materials
h. Proposed Member Engagement Work Group – Governor Kim Hunter and Sara Niegowski, Chief Communications and Outreach Officer (first reading)	308

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

1:00 P.M. – PUBLIC SESSION

OPERATIONAL (continued)

- i. Continued Discussion of Referendum Process Review Work Group Recommendations – Governor Kim Risenmay, Chair, and Sean Davis, General Counsel 309
- j. Approve Extension of Civil Litigation Rules Drafting Task Force Timeline **(action)**..... 350
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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:

- ATJ Board Report
- 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:

- 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
Proposed Member Engagement Work Group	May 17-18, 2018	July 27-28, 2018
Support ABA Resolution re Legal Financial Obligations	May 17-18, 2018	July 27-28, 2018
B&A Recommendation: Continuing Legal Education (CLE) Revenue Sharing Model	May 17-18, 2018	July 27-28, 2018
B&A Recommendation: Mandatory Continuing Legal Education (MCLE) Fee Structure	May 17-18, 2018	July 27-28, 2018
B&A Recommendation: 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

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 2, 2018
RE: Election of 2018-2019 President-elect

ACTION: Elect **Rajeev Majumdar**, **Geoff Revelle**, or **Doug Shepherd** to the 2018-2019 President-elect seat on the Board of Governors, term to start at the conclusion of the Board meeting on September 28, 2018.

Attached please find applications and letters of support for the 2018-2019 President-elect candidates, listed in order of appearance, which was determined by random drawing:

1. Rajeev Majumdar
2. Doug Shepherd
3. Geoff Revelle

Enclosures

Rajeev D. Majumdar

P.O. Box 1258, Blaine, WA

(206) 214-5177

rajeev@northwhatcomlaw.com

April 7, 2018

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

Dear Governors:

It is with great sincerity that I submit this application letter, along with my résumé and references, to you for your consideration in selecting a WSBA President for the 2019-2020 term. An election of my person to the office would be viewed with utmost humility; a position of community leadership and public service built on my years of undertaking the same.

I believe that our primary duty as officers of the court, and in the continued service of our state and country, should be ensuring access to impartial justice for all people, and, as leaders of the WSBA, creating an environment that empowers our members to create that access. Part of protecting such access to justice is warranting that our leadership contains diverse perspectives and experiences. Without such representation, it is not only the legal community that suffers from lack of perspective, but it is also the diverse parties that traditionally have had less access to the legal system who suffer. As a member of two different minority demographics, I came to rural Whatcom County as an attorney without any funds or close social contacts. I am proud to have become established as a respected leader in civil society and the legal community, while bringing a different perspective. To be blunt, I do not look like any of the past Presidents of the WSBA. And while I believe that does have value, and I do believe it would be particularly meaningful for many members of our association, I also bring a plethora of diverse background experiences and perspectives that one cannot glean from mere appearance. That would likewise benefit the WSBA. I would direct you to my article on page 25 of the 2018 March Issue of Northwest Lawyer on the same topic.

Differences in perspective, however, create *necessary* dialogue—and at times, conflict—in society. Whether you have agreed or disagreed with positions I have taken as a Governor, I hope that none of you think of me as any less than diligent and attentive in the execution of my duties. The role of the President, however, is a very different one than that of Governor.

The President of the WSBA is empowered by you, the Board of Governors, with a number of duties under our bylaws, including serving as the chief spokesperson, and face, of the organization, and ensuring the policies of the Board of Governors are executed as the Governors intended. Given the wide range of activities in which the WSBA engages, this is not a small task, and no single person can be everywhere in the state and highlight every issue. Considering the amount of member disengagement

and anger we have witnessed in recent years, however, I would intend to focus on healing some of our charred bridges, such as our relationship with the Sections. In particular, I intend to reach out and work with the Indian Law Section and the Family Law Section, two hardworking groups of members that have been treated with varying degrees of disrespect and condescension by past boards. This is particularly disturbing, as both groups serve parts of the public with significant barriers to accessing justice. More generally, I would hope to enact the policies of the Board in a way that is clearly transparent and accessible to the membership at large.

Most importantly, however, is that the President is an individual selected by the Board of Governors to enable them to do their work. The President should be neutral in these matters, only ensuring orderly attention to all matters the Governors bring forward and that all voices are heard, whether they are in the minority or not. This is at least how I view the President's role of presiding over the board meetings. That is not to say that this is a simple and easy task, but the President should be committed to these principles. Otherwise the discontent on the Board of Governors boils over into less than productive time usage, which seems to have occurred repeatedly over the last few years. I love this organization, and I am fully committed to be an agent of empowerment for the Board and the issues it wishes to examine. I hope that love will be a conduit to more productive, transparent, and civil process.

I believe you will find confirmed in your investigation that I have led a life committed to serving my community and my country, and I believe this position is the best way I can continue that life of service. I have built a reputation for competency and honesty in my professional life, and I have been fully engaged in our legal community in ways I hope will assist this board. I believe that my lifelong endeavor of undertaking leadership in both the legal community and my community at large, while contributing the diversity that my perspective brings to those communities, has given me the background to serve the board in building bridges with the Sections, the public, each other, and all the members of our great bar association.

Please find enclosed as requested: **(1)** a résumé outlining my professional and personal experiences; and **(2)** ten references.

Thank you for your time and consideration.

Sincerely,



Rajeev D. Majumdar

Attachments (2)

RDM/scm

Rajeev D. Majumdar

P.O. Box 1258, Blaine, WA

(206) 214-5177

rajeev@northwhatcomlaw.com

EDUCATION:

Passed exams & admitted to *Tulalip Indian Nation* and *Washington State Bars*; admitted to *Lummi Indian Nation*, *Nooksack Indian Nation*, *Pala Band of Mission Indians* and *Federal Western District of Washington Bars*.

Juris Doctorate –cum laude, Seattle University, May 2007.

An Associate Editor of the *Seattle University Law Review*; Teaching Assistant for Property Law (2005-2007).

Master's Degree in International Affairs, University of Washington, June 2004.

Master's Degree in Public Administration, University of Washington, June 2004.

Bachelor of Science in Biology and Philosophy, with a minor in Chemistry, Albertson College of Idaho, June 1999.

COMMUNITY INVOLVEMENT:

- Eagle Scout (1992- present)
- Governor, District #2, Washington State Bar Association (2016- present)
- Whatcom County Bar Association, Active Member (2008- present)
 - Editor of the Whatcom County Bar Journal (2010-present)
- Board Member for Northwest Youth Services, providing resources to at-risk youth (2013- present)
- Board Member of LAW Advocates, providing civil legal assistance to the indigent (2012- present)
 - Elected Chairman (2015)
 - Served as Interim Executive Director (2015)
 - *Pro-bono* attorney for individual clients and at LAW Advocates clinics for the indigent in Bellingham, WA (2008- present)
- Board Member of Sun Community Services, providing transitional housing in Whatcom County (2010- present)
- *Pro-bono* research on Federal legislation for the Indian Institute of Estate Planning and Probate (2007-08)
- *Pro-bono* Expert Witness, in custody disputes and family law matters, regarding South Asian culture (2006-10)
- Volunteer at NOLAC and the Pro Bono Project in New Orleans, helping Hurricane Katrina victims (2006)
- President of Seattle University School of Law's South Asian Law Student Association (2006-07)
- Board Member of the UW Jackson School of Intl. Studies Alumni Association (2004-06)

RECENT HONORS and ACHIEVEMENTS:

- Local Hero Award from Washington State Bar Association (2015)
- Graduate of the Washington State Bar Association's Washington Leadership Initiative (2015)
- Graduate of The National Institute on the Prosecution of Domestic Violence (2013)
- *Pro Bono* Public Service Commendations from WSBA (2010, 2012-17)
- Joint Acknowledgement for *pro bono* legal services provided to the victims of Hurricanes Katrina and Rita, from the Supreme Court of Louisiana and the Louisiana Bar Association (2007)
- Presidential Law Scholarship from Seattle University's School of Law (2004-07)

CURRENT EMPLOYMENT:

The Law Offices of Roger Ellingson, P.S. – Attorney, Blaine, WA (since 2008, partner sine 2013)

- Developed a broad litigation practice with emphasis on criminal defense and family law, as well as general civil litigation.
- Developed a thriving business formation and transactional practice.

- Cultivated broad clientele with additional focus on Canadian, Indian, Native American, and Persian communities.

City of Blaine – Prosecuting Attorney, Blaine, WA (since 2011)

- Responsible for filing charges and prosecuting criminal, civil infraction, appellate, and code enforcement cases for the City of Blaine.
- Providing review and consultation to the police department, city manager, and city council on questions of law, including ordinance revision.

City of Bellingham – Special Prosecuting Attorney, Bellingham, WA (since 2014)

- Cooperatively developed a Wellness Court: a diversion court for criminal defendants with mental health challenges.
- Responsible for representing the City of Bellingham in Wellness Court, and for further developing that court.
- Responsible for representing the City of Bellingham in attorney-represented contested traffic cases, as well as providing review and consultation to the police department's traffic unit.

WWU, Fairhaven College – Adjunct Professor, Bellingham, WA (since 2015)

- Responsible for teaching "Rights, Liberties, and Justice in America," a constitutional and civil rights course.

Nooksack Indian Nation – Prosecutor, Deming, WA (since 2016)

- Responsible for filing charges and prosecuting criminal, civil infraction, and code enforcement cases for the Nooksack Tribe.
- Providing review and consultation to the police department and tribal council on questions of law, including statute revision.

PRIOR WORK EXPERIENCE:

Whatcom County Superior Court – Commissioner *Pro Tem*, Bellingham, WA (2013-16)

- Responsible for performing the judicial duties of the superior court, subject to revision by an elected judge.
- Appearing most usually for felony first appearances, domestic relations motions, mental health commitments, dependency proceedings, truancy proceedings, juvenile criminal proceedings and conducting settlement conferences.

City of Ferndale – Special Prosecuting Attorney, Ferndale, WA (periodically since 2010)

- Prosecution of conflict criminal cases for the City of Ferndale.

WA State DSHS, Division of Child Support's Hearings Unit – Claims Officer, Seattle, WA (2008)

- Facilitated administrative child support and criminal contempt proceedings, as well as supporting Claims Officers and Support Enforcement Officers in extracting child support and arrears owed to the State.
- Developed a database of over 2300 individuals currently in contempt, and conducted cost-benefit and policy analyses with regards to pursuing criminal contempt.
- Audited cases with excessive outstanding arrears with little probability of collection for write-off.

King County Superior Court - Extern Clerk to Judge Mary Yu, Seattle, WA (2006)

- Reviewed and summarized pleadings arising from the Unified Family Court calendar.
- Researched policy and issues presented to the judge for decision, applying law to the facts and drafting findings.

Tulalip Indian Nation – Summer Prosecutor, Tulalip, WA (2006)

- Filed charges, declined cases, established plea agreements, tracked the case calendar, and conducted all aspects of criminal litigation practice.
- Provided consultation to the tribal police, defendants and the community.
- Conducted in-depth research of tribal and federal law for code writing and policy advancement.

Carney Badley Spellman P.S. – Summer Associate, Seattle, WA (2005)

- Wrote legal briefs, drafted orders, formed contracts, conducted research and prepared evidence in support of a variety of ongoing cases, as well as contributing to mediation & client development meetings.
- Developed a *pro bono* action that removed racially restrictive covenants from property titles.
- In-depth participation in plaintiff's litigation from initiation to trial.

National Bureau of Asian Research (NBR) – Fellow, Seattle, WA (2003-04)

- Tracked the development of conventional military power and policy, as well as the proliferation of Weapons of Mass Destruction (WMD), and used this information to update and maintain the Strategic Asia Database, which details the current state of affairs in Asia.
- Provided research support to the various authors contributing to the annual journal, *Strategic Asia*, and the individual analysis publications published by NBR.
- Developed a plan targeting key policy makers in government and the private sector for distribution of policy reports generated by NBR.

National Nuclear Security Administration – Graduate Resident, Washington D.C. (2001-02)

- Primary responsibilities included policy development and analysis of issues related to the nuclear fuel cycle and WMDs, including understanding their construction and providing consultation on the wide array of national and foreign technical means that can be brought to bear on national security dilemmas.
- Program Management of projects relevant to national security interests; including projects that required thorough study for modifying technical and legal protocols between the USA and foreign nations.
- Participated in interagency working groups with Depts. of Defense, Energy, and State. Served as the liaison from NA-22 to DOE Office of Science's Office of Nuclear & High-Energy Physics.
- Conducted extensive policy analysis of the new strategic outlook of national security priorities to combat global terrorism and technical implications, as derived from the President's directives following the events of Sept. 11th.

PUBLICATIONS:

The Underutilized Sovereign Right to Eminent Domain: A Primer for Tribes.

- Awarded the Viola Spencer Memorial Award for Legal Writing in Indian Law (2007).
- Selected to be published in 4 UCLA INDIGENOUS PEOPLE'S J. L. CULTURE & RESISTANCE 1 (2008), but journal was terminated.

Racially Restrictive Covenants in the State of Washington: A Primer for Practitioners.

- Published in 30 SEATTLE U. L. REV. 4 (2007).

OTHER HONORS and EXPERIENCE:

- Foreign Language Area Studies (FLAS) Fellowship (2000, 03-04)
- Grants awarded from the University of Washington's Grad. School, as well as the Jackson School of Intl. Studies' Center for Intl. Studies, and Center of S.E. Asian Studies, for a research expedition to Myanmar (2003)
- Twice awarded an IAWW Fellowship (2000-01, 02-03)
- Pacific Northwest National Laboratory Graduate Student Fellow (2002)
- Argonne National Laboratory Guest Graduate Student Fellow (2001)
- Honors Scholarship from Albertson College, four years consecutively (1995-99)
- Harold and Phyllis Thomas Scholarship, Albertson College, four years consecutively (1995-99)
- Accepted to "Bioethics in the New Millennium," an international conference at Princeton University (1999)
- Selected to live in Queensland, Australia for seven weeks, to study environmental, industrial, and international policies relating to the area, as well as to do ecological research (1998)
- Papers accepted and presented to Northwest Undergraduate Philosophy Conference (1997-98)
- University of Washington Graduate Student Senator for 2 terms (1999-2001)
- President of the Albertson College Philosophy & Religion Association (1997-99)
- Albertson College Student Senator for 6 terms, President Pro-tem for final term (1996-99)
- Extensive travel in North America, Europe, Asia & Australia; conducted research in Burma
- **Language Skills:** Working knowledge of spoken and written Hindi, Urdu, and Bengali, with studies continuing. Familiarity with Burmese, Perso-Arabic, Tibetan, Gurumukhi, & Gujarati Scripts.

Rajeev D. Majumdar

P.O. Box 1258, Blaine, WA
(206) 214-5177
rajeev@northwhatcomlaw.com

PROFESSIONAL REFERENCES – in their individual capacities.

James F. Williams, Attorney, State Delegate to the ABA House of Delegates, Seattle Managing Partner at Perkins Coie; *Mentor*

Perkins Coie, LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
JWilliams@perkinscoie.com

Brooke Pinkham, Attorney, Staff Director of The Center for Indian Law and Policy; *Collaborator*

Seattle University School of Law
901 12th Avenue, Seattle, WA 98122
(206) 398-4084
pinkhamb@seattleu.edu

Riddhi Mukhopadhyay, Attorney, Legal Director of Sexual Violence Legal Services; *Collaborator*

Sexual Violence Law Center
2024 3rd Ave, Seattle, WA, 98121-2431
(206) 832-3632
riddhimukho@gmail.com

Raquel Montoya-Lewis, Superior Court Judge; *Presides over my cases; Community Colleague*

Whatcom Superior Court – Department 4
311 Grand Avenue, Bellingham, WA 98225
(360) 778-5634
RMontoya@co.whatcom.wa.us

Tom Lyden, Attorney, Former Whatcom Bar President; *Opposing Counsel; previously Co-Counsel*

Keating & Lyden, LLC
114 W. Magnolia Street, Suite 440, Bellingham, WA, 98225
(360) 296-0344
tlyden@keatingandlyden.com

Andre Lang, Attorney, Practice of Law Board Member; *Collaborator*

Nunn Vhan & Lang, PLLC
2707 Colby Ave., Suite 1204, Everett, WA 98201
(425) 258-6860
andre@nvllaw.com

Michael Heatherly, Attorney, Executive Director of LAW Advocates, Former Editor of WSBA Northwest Lawyer; *Collaborator*

LAW Advocates
P.O. Box 937, Bellingham, WA 98227
(360)-671-6079 ext. 24
MichaelH@lawadvocates.org

Caryl Dunavan, Small Cities Domestic Violence Specialist and Advocate; *Colleague*
PO Box 1792, Ferndale, WA 98248
(360) 739-3920
CarylDunavan@cityofferndale.org

John Chessell, Attorney, San Juan County Bar President, Former MCLE Board Member; *Colleague*
PO Box 133, Friday Harbor, WA 98250-0133
360-370-5482
jwchessell@rockisland.com

Maren Anderson, Attorney, Executive Director of Skagit Volunteer Lawyer Program; *Collaborator*
Skagit Volunteer Lawyer Program, Skagit County Community Action Agency
330 Pacific Place, Mount Vernon, WA 98273
(360) 325-2710
MarenA@communityactionskagit.org

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-25

Dear Board of Governors:

I write to you in my personal capacity to let you know where I stand with regard to the upcoming election for WSBA President on May 17-18.

I'm proud to endorse Governor Rajeev Majumdar for this position.

Rajeev and I have come to know one another through our time together on the WSBA Committee for Diversity. Rajeev has consistently demonstrated strength in the three most important qualities of leadership: curiosity, courage, and commitment.

Rajeev's curiosity stems from his humility. His words and actions on a committee filled with lawyers and WSBA employees from all walks of life demonstrate his belief that people of all backgrounds deserve respect and consideration. As our BOG liaison, or as just a vibrant voice in the discussion, Rajeev often seeks to find common understanding between competing interests in our meetings. This entails a lot of work learning how the various viewpoints have come to be and where their values overlap. Rajeev demonstrates great skill in this regard.

Rajeev's curiosity is augmented by his courage. He is always willing to ask the hard question, confront the limitations of his own position, and seek the best way forward. The WSBA is in a time of transition. In terms of demographics, of the demands placed on our services from society, and of what we want our profession to look like, we face one of the more uncertain times in our history. We need a leader like Rajeev who will take on these issues and include everyone in the solutions.

Finally, curiosity and courage are great qualities but the position of President requires follow-through. A quote attributed to Albert Einstein reads, "You never fail until you stop trying." The Committee for Diversity, like many other volunteer groups at WSBA, prides itself on being a working committee. Rajeev has always stood out for his willingness to show up, roll up his sleeves and work for a better profession. The WSBA needs a President with the energy, drive and commitment to take on the task of bringing us together and leading us forward. Rajeev will be that President.

Board of Governors

Date

Page 2

I hope that you agree with me and elect Rajeev to be our next WSBA President.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lionel Greaves, IV', with a stylized flourish at the end.

Lionel Greaves, IV

WSBA No. 42130

To Members of the Washington State Bar Association
Board of Governors

We are members of the San Juan County Bar Association, one of the smallest bars in the State. Despite our bar's size, however, Rajeev D. Majumdar, our District Governor from Region #2 since 2016, has given us attention, visited us, listened to our concerns, and kept us informed about the actions and direction of the State Bar Association.

For example, Rajeev came in a small boat to San Juan Island on an inclement day for his first meeting with us and to hear our concerns and suggestions. He has returned for other meetings, sent us detailed explanations of Bar actions and policies, and solicited our input on numerous occasions. He was open and direct in meetings with us, telling us clearly when he could not answer our questions but explaining equally clearly about issues he could discuss.

Rajeev's personal story and career demonstrate that he has unique qualifications to be President of the State Bar Association. He is a riveting speaker, projecting sincerity, honesty and competence. He can efficiently and effectively communicate Bar policy and opportunities without seeming legalistic or obfuscatory. Rajeev does not talk about service to the public in the abstract; he provides it every day, to at-risk youth, Native Americans, the indigent, victims of natural disasters and domestic violence, and to his colleagues and the cause of justice in Washington. We have confidence that Rajeev has the best interests of justice, the law, and the profession at heart, that he has heard and considered all our views, and that he has diligently fulfilled his responsibilities as our Bar Governor.

Quite simply, what the Bar needs now is someone who listens, speaks and is responsive to all of the membership, who can represent the members to the public and to policy-makers, who has transcended humble beginnings, built a successful legal career with an enviable commitment to the rule of law and service to others, and, most of all, represents the future of the profession.

Rajeev Majumdar represents the future of the law in Washington – diverse, active, responsive, committed to justice and equality, and transparent – and the future of the Washington State Bar Association.

We believe that Rajeev Majumdar would make an excellent President of the State Bar Association. So we endorse his candidacy for that position.

Shawn Alexander
Olga, Washington

Garrett J. Beyer
Friday Harbor, Washington

Jonathan Cain
Friday Harbor, Washington

John Chessell
Friday Harbor, Washington

Diana G. Hancock
Lopez Island, Washington

Carla J. Higginson
Friday Harbor, Washington

Mark Kaiman
Bellingham, Washington

Colleen Kenimond
Friday Harbor, Washington

Gerald Miller
Friday Harbor, Washington

William T. Robinson
Friday Harbor, Washington

Rock C. Sorenson
Friday Harbor, Washington

Mary L. Stone
Friday Harbor, Washington

William Weissinger
Friday Harbor, Washington

John D. Wickham
Friday Harbor, Washington

Barnaby Zall
Roche Harbor, Washington

Board of Governors
Washington State Bar Association

Re: Rajeev Majumdar

To Whom It May Concern:

Rajeev Majumdar has applied to be the President of the WSBA for the 2019-2020 term. Please consider this letter of endorsement on his behalf.

Mr. Majumdar represents the District where I reside. I generally don't pay a lot of attention to the activities of the Board but one day I got an email from Mr. Majumdar, sent to all District 2 members, providing an update about the Board and its activities. I have received several since. I was surprised to see that a Governor would be so transparent and want to voluntarily share information. I have corresponded with Mr. Majumdar on several occasions and he always responds promptly and is able to provide the information needed. He also spoke at a CLE event organized through my employer and greatly expanded our knowledge of the WSBA and its governance and operations. In addition to being informative, he was an entertaining speaker. He sought ideas to make the WSBA more responsive and helpful to its members.

I think Mr. Majumdar would help the WSBA become more inclusive by reaching out to members not generally included. He is committed to diversity but diversity based on one's character and not solely on race. Determining who the members really are might lead to the WSBA providing services of real value to attorneys and others in the legal profession.

A review of his resume shows how much Mr. Majumdar contributes to various legal programs and how involved he is in our community. His unusual background allows him to relate to everyone. He exudes positive energy as demonstrated by his accomplishments and brings out that spirit in others. I believe it would be a positive and refreshing idea to select him as the next WSBA president.

Thank you for your consideration.

Sara Harding

Sara Harding
WSBA 20417

Law Offices of Ziad I Youssef, PLLC
1828 Franklin St, STE D Bellingham, WA 98225

APRIL 16, 2018

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

RE: RAJEEV MAJUMDAR

To Whom It May Concern:

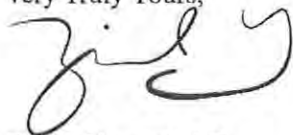
I'm writing today to express my enthusiastic endorsement of and tested reference for Mr. Rajeev Majumdar as a candidate for President of the WSBA. I have known Mr. Majumdar for almost 8 years now. He is a respected colleague and dear friend to me as I continue to develop my 15 year old criminal defense practice in Whatcom County.

I did not attend college with him, or grow up in his neighborhood, but I have a universal connection with Rajeev that dates back to the founding principles of these great United States of America. Both of our families immigrated to the USA for the liberties we enjoy every day here. We both witnessed the great freedoms that result from equal opportunity, equality and justice for all. And perhaps, we both were drawn to our profession like a calling from our creator. Yet, even if our friendship was forged from a shared cultural experience, our bond as colleagues was earned from years of consistent experiences that revealed only the highest integrity, and sincere dedication to our craft.

These experiences have placed us at opposite ends of a variety of legal issues, both civil and criminal, almost weekly. He is the special prosecutor for the City of Bellingham and the Prosecutor for the City of Blaine, so my colleagues and I regularly challenge Rajeev in court over various criminal and civil legal issues. He always took his victories humbly and acknowledged his defeats gracefully. And, one by one, he won us over. Then, a few years ago, he invited me to serve with him on the board of Whatcom County's civil legal aid organization, Law Advocates, where I watched him work tirelessly to increase engagement from the local bar in pro bono work, and the response was so strong that Law Advocates was awarded the Ranier Cup two years in a row. I heard stories of how he stepped up to lead the board while it was in transition, and I learned so much from him as a fellow board member about sincere public service.

Rajeev's commitment to service reminds of a resolution passed many years ago by the Yellowstone County Bar in memory of one of it's pioneers, W.J. Lamb. The words read that Mr. Lamb, "possessed a mind richly fitted by nature for the practice of his profession and he further equipped himself by his entire devotion to study and unremitting industry." And I can think of no better words at this time that are more appropriate to describe Mr. Majumdar's ability to perform his duties as President of the WSBA. Wherefore, I refer to you with my full endorsement, my friend and esteemed colleague, Rajeev Majumdar.

Very Truly Yours,



Ziad I. Youssef, J.D.

Betty Brinson, J.D., P.S.

ATTORNEY AT LAW

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April 17, 2018

APR 23 2018

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

Dear Board of Governors:

I am writing to endorse Rajeev Majumdar for president-elect of the Washington State Bar Association. I became acquainted with Rajeev when he moved to Bellingham to take a position practicing in Blaine. We have worked together in varying capacities; we have been opposing counsel, sat together on the board of directors of LAW Advocates, he was the editor of the Whatcom County Bar Journal when I was president of the Whatcom County Bar Association, and I have appeared before him when Rajeev was sitting on the bench as court commissioner.

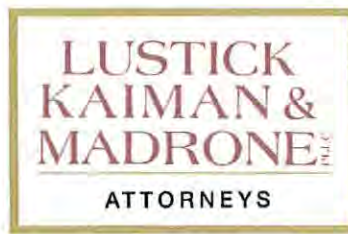
Rajeev has many qualities that I believe make him eminently suited to be the president and leader of the Washington State Bar Association. He's unfailingly curious; he doesn't make assumptions, he asks questions. He has experience "in the trenches" in the operation and practice of a small law firm, and understands the balance between providing legal services and operating a business. I know Rajeev makes a conscious effort to balance his work load and family life. Rajeev is adventuresome, self-effacing, has a great sense of humor, and most importantly, shares my goal of a transparent, member-oriented bar association, focused on listening to, and delivering services, to its members.

Very truly yours,



Betsy Brinson
W.S.B.A. #12190

222 Grand Avenue, Suite A
Bellingham, WA 98225
360.685.4221
www.Lustick.com



Jeffrey A. Lustick, Esq.
Mark A. Kaiman, Esq.
Adrian M. Madrone, Esq.

April 19, 2018

To the WSBA Board of Governors:

I am writing to give my strongest endorsement and support for your selection of Rajeev Majumdar as the next WSBA President. I practice as a private criminal defense attorney in Bellingham, and have known Rajeev since I moved to Whatcom County in 2010. I have represented clients in cases where Rajeev serves as the prosecuting attorney; I have consulted and worked on cases with Rajeev as associated defense counsel; I have taught as a fellow adjunct with Rajeev at Western Washington University's Fairhaven College; I have benefitted from Rajeev's leadership in the Whatcom County Bar Association; and so much more. My experience with Rajeev is not unique. It is frankly impossible to not know Rajeev if you live, work, and practice up here.

Rajeev's friendly and upbeat demeanor belies the intense dedication and seemingly limitless energy he dedicates to our community and to the practice of law. I often find myself exhausted just hearing about the number of activities Rajeev is involved with at any given time. I am certain he will bring this same level of energy and dedication to his service as WSBA President, and I am just as certain that we will all benefit from his efforts.

I also want to bring up how selecting Rajeev as the next President would further the bar's efforts towards diversity in the field. In my opinion, selecting Rajeev would do a lot more than simply putting a brown face on the cover of *NW Lawyer*. Rajeev has clearly dedicated himself to considering issues of diversity, engaging people on the issues, and doing so in a nuanced way. I am sure Rajeev will continue to encourage this type of dialogue as WSBA President. However, I want to stress too that Rajeev is much more than just a checkbox "diversity" candidate. His strength on these issues should be considered a bonus to his demonstrated intellect, integrity, and energy, which alone make him fit to serve.

I have had the pleasure of knowing Rajeev Majumdar for close to a decade now. I am thrilled to see his application for WSBA President, and I simply cannot think of anyone else who would be a better fit. I strongly encourage you to select Rajeev for this term of service.

Sincerely,

Adrian Martinez Madrone,
WSBA #39226

April 20, 2018

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

[Sent via email to barleaders@wsba.org]

Dear Governors:

I am writing to express my support of Rajeev Majumdar as the next President-Elect/President of the Washington State Bar Association. For background, I have been a member of the Washington bar since 1991. After practicing as a private civil litigator most of my career, in July of 2015 I assumed my current position as Executive Director of LAW Advocates, the volunteer lawyer program for Whatcom County (my remarks herein are personal, not done on behalf of LAW Advocates). I have extensive experience with WSBA, having volunteered in the Mediation, Fee Arbitration, and Disciplinary Hearing Officer programs and later serving as editor of *NW Lawyer* (formerly *Bar News*) from 2007-2015. As editor I attended and reported on more than 50 meetings of the Board of Governors as well as other WSBA events and activities.

Having known Rajeev since he arrived in Whatcom County in 2008, I am well acquainted with him professionally and personally. From the beginning of his career he has been extraordinarily engaged and active in legal and other civic activities while also maintaining a private law practice and serving as a prosecuting attorney for three local courts. He is one of the busiest people I know but remains fully committed to all his responsibilities.

I have always found Rajeev to be honest and fair-minded. He has a diverse family and personal background and goes out of his way to be inclusive and unbiased in his dealings with others. He is strong-willed and outspoken but also reasonable. Despite being a strong advocate for his side of an issue he is willing to compromise and admit mistakes. I am aware of the contentious atmosphere surrounding WSBA leadership in recent times. I know that observers and participants in WSBA governance may place Rajeev, like other members of WSBA leadership, into one or another "camp" on the bar's political landscape. I do not always agree with Rajeev on issues myself. However, I have no doubt that his vision for the bar is based on his sincere beliefs about how the bar can best serve its members while also protecting the public from abuse by unscrupulous or incompetent members of our profession.

In observing eight past WSBA presidents while editor of *NW Lawyer* I came to believe that the most important quality for president was the ability to reach out and include as many people as possible in the leadership process, regardless of their place in the traditional pecking order of the association and the profession in general. That includes engaging with members of the BOG and WSBA staff as well as traveling the state to invite other bar members to get more involved. I believe Rajeev would excel in that role.

I thank you for considering my comments and wish you the best in your deliberations.

Sincerely,



Michael Heatherly

JENNIFER SLATTERY
PARTNER



KULSHAN
LAW GROUP

jennifer@kulshanlaw.com
(360) 392-2855

April 23, 2018

To the Honorable Governors of the WSBA:

I am writing to endorse Rajeev Majumdar as WSBA President-Elect. I am a partner at Kulshan Law Group in Bellingham, and also the President of the Whatcom County Chapter of Washington Women Lawyers.

I have known Rajeev since July 2015 both as his former employee and as a member of the Whatcom County legal community. Rajeev is active in our community, a representative of rural and small town attorneys, and an ally for women lawyers.

Rajeev as a servant for our community: When our volunteer lawyer's program, LAW Advocates, suddenly lost its executive director, Rajeev volunteered as an interim executive director (while still maintaining his private practice). Rajeev also actively serves on the board of Northwest Youth Services serving local homeless youth.

Rajeev as a representative of the rural and outlying legal communities: Rajeev's practice in Blaine is a small-town practice. As such, he strives to bring a voice to those small town attorneys who are often out of the loop due to our distance from Seattle. In 2016, Rajeev was elected to the Board of Governors, District 2, and immediately began the hard work of questioning the WSBA's status quo. He sacrifices time with his family to serve our state bar, and works hard to represent the views of rural county attorneys at the board meetings. Rajeev regularly communicates to his District 2 members and updates the members after every board meeting.

Rajeev is an ally for women lawyers: As an attorney and mother who worked for Rajeev, I can attest to his dedication to providing opportunities for working mothers and women in the legal field. He has pushed me and encouraged me to develop my practice, enough that I felt confident to start my own firm in 2017. I am also the President of our chapter of Washington Women Lawyers and Rajeev has supported my work to revive the local chapter's activities.

For the above reasons, I strongly endorse Rajeev's candidacy for WSBA President-Elect. If you have any questions, please feel free to contact me at Jennifer@kulshanlaw.com.

Sincerely,



Jennifer Slattery



Law Office of Lisa Saar, PLLC
Attorney and Counselor at Law

April 23, 2018

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

Dear Governors:

I interact with Rajeev frequently in my role as President of the Whatcom County Bar Association.

I write to offer my strongest support of Rajeev Majumdar as the next President of the Washington State Bar Association. Rajeev's professional and personal background make him an outstanding choice as leader of our state bar association. He epitomizes the characteristics required of this esteemed leadership position. He not only has my respect, but is widely respected in the legal community locally and throughout the state. His resume and credentials speak for themselves.

I have known Rajeev for the past five years. He has always been honest and straightforward in his interactions with me on each and every occasion. Since I have known him he has been an active and integral part of the state bar, local bar, and has participated in providing civil legal needs of our community.

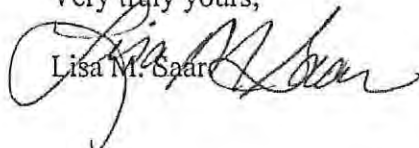
He gets along with and respects everyone. He is intelligent, modest and humble. He understands how the Washington State Bar Association works, and its challenges. In my opinion Rajeev would be a leader who could allow for fair, impartial representation of all. I believe he would ensure the inclusion of all in guiding the board in shaping the future of the practice of law in Washington State.

I can say without reservation he is not afraid to challenge the unfair, unjust, and uncivil behavior of others. He does this with respect for others, humility, and kindness, always looking for ways to find common ground for the best outcomes. I believe these traits are absolutely necessary for a leader of our legal community.

I have come to know Rajeev as a kind, caring, compassionate, and understanding person who has unrelenting commitment to public service and cares deeply about the practice of law. He is a dedicated husband, father, lawyer, teacher, colleague, and friend.

I cannot recommend him more highly. Thank you for your consideration in this important matter.

Very truly yours,


Lisa M. Saar

LAW OFFICE OF YOHANNES K. SIUM, PLLC

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April 23, 2018

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

re: Rajeev Majumdar
President-elect Elections

Dear Governors:

I do not come from a privileged background. I am part of Washington's vibrant Eritrean community, and do a lot of advocacy on its behalf. In my solo practice, I have worked hard to advocate for those who are not privileged and to whom the legal system appears to be lacking in diversity. In Rajeev Majumdar, I see someone who understands the issues of attorneys like myself, and who represents a change in what has long been a relatively closed system of justice. The Board of Governors would be wise to select Mr. Majumdar as the next President-elect, as it would have ramifications for society far beyond what you might experience in your day to day life.

Mr. Majumdar is the product of an immigrant community and has overcome the institutional barriers of society as a whole, and the legal system in particular, to become a leader for the unrepresented everywhere. He left the security of the more diverse communities of our state to move to rural Washington and succeeded. Mr. Majumdar embodies the best that new blood continually brings to this great country.

I have had the privilege of seeing Mr. Majumdar speak his mind on a number of occasions in different venues across the State; he is passionate and articulate, but more importantly he is also kind, and truly listens to what people have to say. The Board of Governors has an amazing opportunity; to select Mr. Majumdar is to select a member of our bar with boundless energy and positivity, who really cares about the public and the marginalized. This is an attorney who loves and respects people of all backgrounds. Electing him would give hope to many of us that the scope of justice's grasp is ever expanding.

Most Sincerely,

Yohannes Sium, Esq.

APR 30 2018

April 24, 2018

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

Dear Governors:

I write to endorse Rajeev D. Majumdar for the position of President of the Washington State Bar Association. I am a member of the executive committee for the health law section of the WSBA. Rajeev is the section's liaison to the Board of Governors. I do not know Rajeev personally, but I have been impressed with his reports of BOG activity and his support of the section. He is candid, inclusive, and open to the section's input into bar association matters. Furthermore, Rajeev's impressive resume demonstrates a lifelong commitment to serving his community.

I hope that you will strongly consider Rajeev for WSBA President for the 2019-2020 term.

Sincerely,



Michael L. Farrell
426 West 24th Avenue
Spokane, Washington 99203
509-768-4702

JOHN W. CHESSELL

ATTORNEY AT LAW

RETIRED CAREER PROSECUTOR

WASHINGTON STATE BAR NO. 19370

CALIFORNIA STATE BAR NO. 53294

April 25, 2018

Board of Governors
Washington State Bar Association
Seattle, Washington 98101

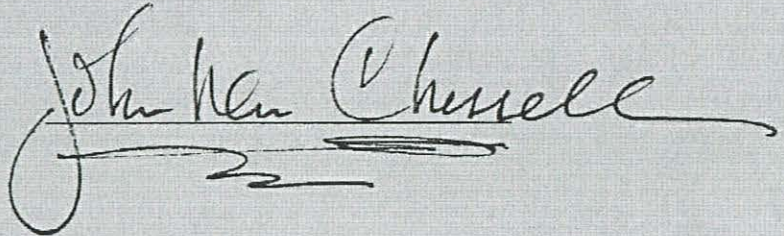
Via Email: barleaders@wsba.org

RE: Candidacy of Rajeev Majumdar for WSBA President (elect)

Dear Board of Governors:

I have been a practicing attorney for forty-six years; I've been in private practice and in government service as a criminal prosecutor. I've been active on state bar association boards and committees both in California and Washington, and also for the California District Attorneys Association and the San Juan County Bar Association. I've known and litigated both with and against hundreds of lawyers, and have known and appeared before scores of judges. As a prosecutor I visited law schools interviewing potential prosecutorial candidates; I also spent many years organizing seminars and teaching fellow attorneys, both in California and Washington.

Once in a while an able, energetic and dedicated breath of fresh air like Rajeev Majumdar comes along, and I strongly support his candidacy for President of the Washington State Bar Association.

A handwritten signature in black ink that reads "John W. Chessell". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

JWC:cc

Maren Anderson
Program Manager
Skagit Volunteer Lawyer Program
c/o Community Action of Skagit County
330 Pacific Place
Mount Vernon, WA 98273

April 25, 2018

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

To Whom It May Concern:

It has been my pleasure to have known Rajeev Majumdar since about 2010, when he appeared on a few cases in Lummi Tribal Court where I was working at the time. Since then, as I have had the opportunity to get to know him better, I have enjoyed his collegial influence in the local legal community, appreciated his authentic and productive communication and respected his commitment to increasing access to justice. It is for these reasons that I enthusiastically support him in his application for the position of WSBA President.

As an attorney practicing in tribal court for several years, even in a small community like Whatcom County, it was sometimes difficult to develop connections and build relationships. Rajeev has always been a friendly face at various events, going out of his way to draw myself and others into conversations and networks. He is consistently present at events sponsored by the local bar association, LAW Advocates and the Whatcom chapter of Washington Women Lawyers. Recently, I took over as program manager for the Skagit Volunteer Lawyer Program and continue to see Rajeev consistently at Skagit County events. This social contact may seem inconsequential, but informal social relationships lay a foundation for civility in higher conflict situations. Though I have no doubt that Rajeev participates in many of these events for the sheer enjoyment of it, based on conversations we have had, I believe some of his participation is motivated by a commitment building a collegial legal community.

In his roles as WSBA District #2 governor, board member of LAW Advocates and editor of the Whatcom Bar Association Journal, Rajeev has prioritized authentic and productive communication. He consistently shares information with his constituents and actively draws them into conversations to solicit input on issues that may affect them. His presence at social events as mentioned above not only provides opportunities for constituents to share their perspective but also builds trust such that they are more likely to contact him to discuss a particular issue of importance at a later date. Accurate or not, there is a predominate feeling

amongst some in the legal community that the bar association does not have the interests of its members at heart. Leaders like Rajeev are actively addressing that notion by sharing information, soliciting input and advocating for perspectives that often seem to go ignored.

Lastly, Rajeev has given generously of his time and resources to increase access to justice. This is evident from his participation with LAW Advocates as both a board member and a volunteer attorney, as well as the numerous other ways he is involved in legal and non-legal community service organizations. I have heard Rajeev speak passionately and eloquently about the importance of equal access to justice, as many attorneys do. Rajeev is one of the relatively rare attorneys that backs up these statements with consistent investments of his own time and talents.

The legal community needs leaders like Rajeev that can bring us together, start important conversations and model a commitment to justice. As he has provided leadership through service to his community in the past, I have no doubt that he will continue to do so in the future, specifically in the role of WSBA President.

Sincerely,

A handwritten signature in black ink that reads "Maren Anderson". The signature is fluid and cursive, with a long, sweeping underline.

Maren Anderson



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April 25, 2018

VIA EMAIL to barleaders@wsba.org & VIA REGULAR MAIL

Board of Governors
WSBA
1425 Fourth Ave., Suite 600
Seattle, WA 98101

Re: WSBA presidency - Rajeev Majumdar

Dear Governors:

We are attorneys in private practice in Friday Harbor with the firm of Higginson Beyer, P.S. and have been members of the WSBA since 1980 (Carla) and 1994 (Garrett). We write this letter in support of Rajeev Majumdar as the next president of the Washington State Bar Association.

Garrett is a former president of the College Club of Seattle, and is extremely familiar with operation of large organizations and the duties of a president. Carla is a five-time past president of the San Juan County Bar Association and has had regular occasion to have contact with our then-current Board of Governors representatives. While all have been fine governors, none has taken the time to keep our members apprised of the issues pending before the Board of Governors as Rajeev has done. Although he is in practice in a small firm, he has nevertheless sent regular and detailed reports to our local bar association members, responded timely to phone calls and emails, and provided us with additional information on various issues upon request. He has also taken the time to participate in a conference call with the members about by-law changes and the LLLT program, both of which were of concern to the majority of our members.

Rajeev has demonstrated a remarkable commitment to public service. His strengths include an analytical mind, an ability to engage with those of opposing viewpoints with grace and a sense of humor, a dedication to the practice of law and to the integrity of our

APR 27 2018


Board of Governors
WSBA
April 25, 2018
Page 2


bar association, a detailed grasp of the intricacies of governing attorneys, and an understanding that the WSBA should be a professional organization for the benefit of its members and to help them best serve their clients.

We urge you to select Rajeev as our next president.

Very truly yours,

HIGGINSON BEYER


Carla J. Higginson
Attorney & Counselor at Law


for Garrett J. Beyer
Attorney & Counselor at Law
CJH/GJB:tbn

S:\BAR ASSN\WSBA MATTERS\letter for rajeev 04-25-2018.wpd

Anita D. Raddatz
CMR 410 Box 266
APO AE 09049

26 April 2018

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

Dear Governors:

I am writing this letter in support of Mr. Rajeev D. Majumdar's application for the position of Washington State Bar Association (WSBA) President for the 2019-2020 term. I have been a member of the WSBA since October 1987, and currently practice law with the US Department of Defense in Wiesbaden, Germany. Before moving to Wiesbaden, I worked as a contracts attorney for the US Army in Kuwait.

During the time I have known "Raj," his communications on behalf of the WSBA have always -- without exception -- been informative and useful. He clearly and concisely summarizes important matters affecting the WSBA community and provides valuable information for its members. Moreover, Raj's emails are warm and pleasant, and as a result, I enjoy reading what he writes. I also enjoy the back-and-forth discussions his emails engender. Lastly, an overseas member, I particularly appreciate Raj's commitment to responding to my questions and concerns regarding developments in the WSBA community. In fact, Raj is the first WSBA Governor to reach out to me individually to discuss WSBA issues.

Because I have been outside the United States under military orders for a number of years, I have not yet met Raj in person, although I plan to do so during my visit to Bellingham this summer. However, I have corresponded with him for more than two years, both in response to things he writes in his "Update from WSBA Governor Rajeev Majumdar," but also to discuss issues concerning the practice of law in Washington State. Similarly, I have enjoyed practicing the few words I know in Hindi and Arabic.

I believe Raj will facilitate the work of the Board of Governors and provide a friendly and competent face to the organization. He is committed to the WSBA and the rights of its members, and he clearly enjoys representing and communicating with WSBA members. Consequently, I recommend him without reservation for the position of WSBA President.

If you have any questions, please email me at anita.raddatz@yahoo.com or anita.raddatz@dcma.mil. You can also call me at +49.160.9868.6244.

Sincerely,
RADDATZ.ANITA.DRAKE.1
160454845

Anita D. Raddatz
WSBA 17284

Digitally signed by
RADDATZ.ANITA.DRAKE.1160454845
Date: 2018.04.26 16:06:24 +02'00'

4/26/18

Re: Majumdar Endorsement

Dear Governors:

I write to you today to endorse Rajeev Majumdar for President of the Washington State Bar Association. As I am sure you are aware, I could easily write about one of Rajeev's many accolades and contributions to the legal community as an attorney, but I believe that my time will be best spent focusing on the intangible impacts Rajeev can make as the President of WSBA.

Simply put, Rajeev Majumdar is the single most accessible and involved attorney I have ever had the pleasure of meeting. (This remains true over two years as a bailiff and a year of legal networking.) That accessibility is invaluable, especially to communities of color.

I am currently a first-year law student at the University of Washington – to say that Rajeev was the primary catalyst in my current trajectory is an understatement. I didn't grow up around professionals; Rajeev was the first attorney I met. Up until then, there was a narrative in my head for what "attorneys" were and they most definitely didn't include people like me. However, Rajeev changed that narrative.

Representation matters. While any candidate of color would be representation in general, I support Rajeev because I know that his goal isn't simply to be a person of color in a leadership role. As the racial makeup of our society shifts, Washington will need to be able to not only attract more diverse attorneys, but also create them. Rajeev has already encouraged at least one person to enter the legal profession. Through his example, I have become active at the UW Law – I am a part of the Latinx Law Student Association, a Gregoire Fellow, and was recently made the Student Bar Association representative to the American Bar Association.

Future lawyers want to see the WSBA practice what it preaches – we feel welcome in Washington and want to see that attitude reflected in the makeup of the Board of Governors. I firmly believe that seeing Rajeev as the President of the WSBA will inspire other people of color to run for the Board; I also believe it will show struggling law students that they can succeed in this field.

Sincerely,

A handwritten signature in black ink, appearing to read "Jaclyn Bermudez Reynolds". The signature is fluid and cursive, with a large, stylized "J" and "R".

Jaclyn Bermudez Reynolds
J.D. Candidate, Class of 2020
University of Washington School of Law

Friday, April 27, 2018

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

Dear Governors:

I am writing to express my strong support for my dear friend and colleague, Rajeev Majumdar, in his candidacy for WSBA President for the 2019-2020 term. I am certain Rajeev's resume and other letters of recommendation will easily establish that he is more than qualified, extremely competent, and exceptionally hard-working. I would like to focus my letter on my personal reasons for supporting Rajeev, and what it would mean for the bar as a whole to recognize his achievements.

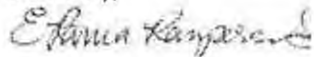
I first met Rajeev as a co-fellow in the Washington Leadership Institute. Our group was full of strong personalities and a plethora of opinions. Rajeev quickly established himself as the social glue that held our group together, smoothed over ruffled feathers, and created a strong sense of loyalty amongst our members. This camaraderie that he facilitated meant that we could, as a group, withstand strong disagreements over issues and strategies, and at the end of such discussions, could emerge with a coherent direction and vision in which everyone felt heard and included. Given the wide range of personalities, this was no small feat. His humorous brand of diplomacy diffuses tensions and facilitates long-lasting friendships in a way that I deeply respect and admire, though I doubt I could emulate. It is in large part because of Rajeev that our class was so successful in our projects, and in large part because of Rajeev that I was able to establish and maintain many lasting relationships from that experience, including people I have come to depend on for references for job applications, as board members in my own non-profit organization, and as personal support as I navigate the balancing act of career and family life. His leadership style would be a huge benefit, not only to the productivity and effectiveness of the Board, but also to the many other individuals he would interact with as President. He has a way of enabling and magnifying the leadership potential of others around him.

Having Rajeev as President of the WSBA would also be deeply meaningful to me, and many other WSBA members because of what it would represent to have the face of the Washington Bar be South Asian and a person of mixed race. In the past decades, the number of South Asians in our state has increased dramatically. There are also many of us who are mixed race individuals, who identify both as a white American and another ethnicity at the same time. Yet there are many leadership roles in the legal profession that seem unattainable because many of us feel we do not look the part, feel we cannot imagine ourselves playing any meaningful role in such institutions, or feel we would be criticized as an affirmative action appointment if we were to strive for such a position. Rajeev's qualifications put him above such criticism. In addition, Rajeev is someone who navigates his complex identity with grace and diplomacy, who always understands more than one perspective, and is capable of representing the few people who look like him, and the many people who do not. This is because he recognizes that he, and in fact every individual, is so much more than the person they look like. Electing Rajeev as President would be a strong statement by the Board that it takes inclusiveness seriously, that it sees its members for who

they truly are, and that it recognizes excellence and integrity whatever form it takes. Electing Rajeev would also show that the Board values these things above shallow indicators of status or privilege, and that all this can be done by elevating, rather than denigrating, the standards of leadership necessary for an appointment as President of the Bar.

It is my sincerest hope that you will appoint Rajeev Majumdar as President of the WSBA. I know he would do much to enhance the Board, WSBA members, and public access to justice in Washington State.

Sincerely,



E. Rania Rampersad, Esq.
Founder / Director
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Reply To:
W. Scott Railton, Attorney at Law
srailton@cascadia.com

April 27, 2018

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

Re: Endorsement of Rajeev Majumdar for WSBA President

Dear Governors:

I write to endorse Rajeev Majumdar for Washington State Bar Association President.

I am a member of the Washington State Bar Association (WSBA), practicing immigration law in Bellingham, Washington. I have served on non-profit boards in the past, including as Chair of the Washington State Chapter of the American Immigration Lawyers Association (AILA) as well as on the Alumni Board for Western Washington University. I have a learned understanding of the challenges and rewards of serving in leadership roles involving attorneys, and so I thank you for your service to the WSBA and the public.

Rajeev has served as the Editor for the Whatcom County Bar Journal for several years, and does a terrific job for our legal community. I frequently write a column for the Whatcom County Bar Journal, and Rajeev has always been great to work with. Just this month, he was quite understanding of a late but valuable submission I made. He also writes a monthly column, which I always read with interest.

Of course, Rajeev is also currently our WSBA Governor. Rajeev has done an outstanding job of keeping attorneys and other legal professionals in our District informed of the activities of the Board and Supreme Court. Rajeev has taken his role seriously, and is faithful in his communications to our District. For me, transparency with the WSBA is a preeminent concern for members and the public. I feel like Rajeev shares this concern in his leadership.

Rajeev is always at the local Bar-related activities that I attend. In the past year, these have included a visit by Chief Justice Fairhurst to the Skagit Bar Association for the Campaign for Justice; a Western Washington University Law & Diversity gathering; and a WSBA meeting. I witness Rajeev engaging with the membership, students, and other attendees. I know this is the tip of the iceberg for him, and that he is routinely attending Bar Association activities.

Rajeev's accomplishments are the sort that will inspire attorneys and legal professionals. He has won a Local Hero Award from the Washington State Bar Association. He has held leadership roles with a wonderful cross-section of non-profits, including Northwest Youth Services, LAW Advocates, and Sun Community Services. He has worked for cities, tribes, and universities, as well as for big and small firms: His academic background is impressive: in addition to his J.D., he holds a Masters in International Affairs, a Masters in Public Administration, and Bachelor's Degrees in Biology and Philosophy. He also writes terrific articles for our Bar Journal, where he opens up about his family, his practice, and this work/life journey we are all on. He has the practice and life experience to relate to the different types of jobs and stresses that our varied membership hold.

If you can't tell, I really like Rajeev. I remember as a young attorney reading my Bar News magazines cover to cover, and paying close attention to the President's column. I still do, but I'm sure I was more impressionable back then. Rajeev is an individual who will inspire young attorneys to be great attorneys, and make a difference in this world. I know from watching him as a Governor and as our local Bar Journal Editor that that he will listen and inform the membership. I hope you choose him as our next WSBA President.

Again, thank you for your service.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Scott Railton', followed by a long horizontal flourish line.

W. Scott Railton
Attorney at Law



BRYAN L. PAGE | Attorney
BPage@CarmichaelClark.com

April 27, 2018

Board of Governors
Washington State Bar Association
barleaders@wsba.org

Re: Endorsement of Rajeev Majumdar for President-Elect

Dear Governors:

I write to endorse Rajeev Majumdar as the next president-elect of the WSBA. I have gotten to know Rajeev well since we both moved to Whatcom County to practice law in 2008. He would make a great WSBA President for a variety of reasons.

First, Rajeev is unquestionably committed to increasing access to justice for low income people. This is shown in his work serving on several community focused nonprofit boards of directors, including our local volunteer lawyer program LAW Advocates. But one instance stands out in which he put his money where his mouth is while we both served on the board of LAW Advocates. In 2015, our executive director unexpectedly stepped down. The small organization needed a day-to-day leader to keep the doors open and to keep serving our vulnerable clients who are often in desperate need of legal services. Rajeev stepped in to fill that role without compensation, taking considerable time away from his private legal practice. Under his leadership, LAW Advocates successfully recruited and hired a wonderful new executive director who is still with us today. The organization would not be in the strong, healthy position it is in now without Rajeev to lead it through those trying times.

Second, Rajeev is strongly committed to strengthening and improving the legal community, both locally and around the state. Rajeev is always engaged in local bar discussions and issues here in Whatcom County. He has also edited our local county bar newsletter for many years. In that role, through his editorial skills, he has increased the quality of articles published each month, and along with that has increased the advertising revenue the newsletter generates. His commitment to the practice of law, lawyering, and the legal community is evidenced by how effortlessly Rajeev interacts with diverse facets of the legal community. He hosts an annual barbecue at his house for local family law practitioners. He is well-respected by both criminal prosecutors and criminal defenses attorneys. He engages with solo or small-firm attorneys practicing in all parts of the state, as well as with lawyers practicing at big firms in big cities. Being able to relate and communicate with many different lawyers will serve Rajeev well as President of the WSBA.


Third, Rajeev will bring a diverse perspective to the role of WSBA President. But his diversity goes beyond his South Asian descent. He grew up in small-town, rural Idaho. He went to a small college. Rajeev has lived, studied, and worked in big cities and far-off places around the world. He has worked within large organizations and in his own small law firm in Blaine. He had a career

before the law that required him to understand different cultures and countries. Rajeev's diverse background has helped him to be consciously aware of the opinions, needs, and interests of others and to listen. That is evidenced in Rajeev's teaching role at Fairhaven College at Western Washington University. Rajeev works very hard to bring in outside guest speakers with diverse viewpoints and experiences who challenge his students' entrenched ideas through open and constructive dialogue.

Fourth and finally, Rajeev is a great leader of organizations and boards of directors in particular. I witnessed this firsthand during his time as chairperson of LAW Advocates. In his role as chairperson, Rajeev allowed all board members to have a voice. We had good, productive, robust conversations during and outside of board meetings. At the same time, meetings were run efficiently and we always accomplished our business during our time allotted for meetings. Broadly, in all things Rajeev does, he is open and honest with those he deals with. He is respectful of all people and opinions. Importantly, in whatever role he takes on, he is mindful of his constituents and those he is tasked with serving.

In short, Rajeev would be a great President of the WSBA and a great representative and ambassador for all lawyers and the broader legal community in Washington.

Sincerely,



Bryan L. Page



LAW OFFICES OF

ALEXANDER RANSOM

119 NORTH COMMERCIAL STREET SUITE #1420 BELLINGHAM, WA 98225

117 NORTH 1ST STREET SUITE #27 MOUNT VERNON, WA 98273

PHONE: (360) 746-2642

April 28, 2018

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

Dear Board of Governors:

I'm pleased to endorse Rajeev D. Majumdar in his bid to become President of the Washington State Bar Association. Rajeev's character, work ethic and dedication to the legal community makes him a fine candidate.

I've known Rajeev for nearly 10 years. In 2010, we were co-editors for the Whatcom County Bar Association Newsletter. Together, we engaged our colleagues and wrote articles on topics of interest to the Whatcom County legal community. In this capacity, I got to know Rajeev on a personal level. He carries an infectious, intelligent, open-minded and genteel presence. He unifies people. These traits are rare in our profession. It is not difficult to find hardworking attorneys who are new to the profession. However, it *is* difficult to find young attorneys who bring the high level of respect, camaraderie and vision to our profession in the same way that Rajeev did years ago.

For years, I've watched Rajeev grow in the profession. He's consistently involved himself with Law Advocates (our premier volunteer attorney organization giving Whatcom County residents low-income access to justice) and Lawyers Take Orders (our yearly fundraiser/auction for Law Advocates). In 2013, he became a board member for Northwest Youth Services, an organization giving services to at-risk youth. He also helps administer justice in our courts by serving as a prosecutor in numerous local jurisdictions and serving as a *Pro Tem* commissioner for Whatcom County Superior Court.

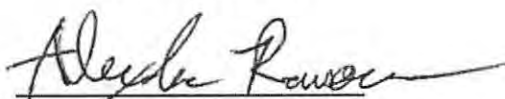
Working with Rajeev in these capacities reminded me that he brings a different level of dedication and a "special something" to our profession. The resolutions he seeks are fair, proportionate, consistent and even-handed. Unlike other attorneys involved in the justice system, Rajeev has the rare and valuable talent of turning potential courtroom brawls into warm, engaging conversations. Again, among other rare gifts, Rajeev brings attorneys from all spectrums and walks of life into positive interactions with one another. He listens. He broadens minds. He cares.

In 2015, Rajeev was given the Local Hero award from the WSBA. Clearly, Rajeev's gifts and charisma are supported by a sense of purpose that inspires people – gently, methodically – that we can do better. He reminds us our profession is a vehicle for moving society forward and that our purpose is to help people. In hindsight, I believe Rajeev has been searching for platforms to serve our legal community in a greater capacity. Unfortunately, by itself, Whatcom County was simply too small a venue to actualize his gifts.

I was not surprised when Rajeev became Governor of District #2 in 2016. Here, Rajeev has continued to impress. His monthly news updates – which our membership did not receive before he became Governor – are informative. The transparency is appreciated and brings a level of added engagement. Through Rajeev, I've educated myself on the role of Governor as well as the numerous behind-the-scenes projects that our dedicated governors involve themselves in. This has dropped the veil and made me more interested in WSBA activities on a larger level.

I fear the WSBA has suffered from member fatigue. Fortunately, Rajeev has the leadership, will, capacity, intelligence and charisma to re-ignite morale. He is capable of moving our profession to a higher level and "running it back" to a time when it bravely and unwaveringly exuded the best of its capabilities: professionalism, dedicated advocacy, camaraderie and service to others. Even better, Rajeev can coalesce diverse points of view in our membership. He'd work hard to ensure no voice is ostracized, silenced or overlooked. I am proud to endorse Rajeev Majumdar in his bid to become President of the WSBA. We need the service of dedicated attorneys like Rajeev. He is a credit to the profession.

Sincerely Yours,



Alexander F. Ransom, Esq.

From: Radhika Prabhakar [mailto:radhikap@locuslegalsolutions.com]
Sent: Saturday, April 28, 2018 11:29 AM
To: Bar Leaders
Subject: Endorsement Letter for Rajeev Majumdar: BOG President-Elect

Dear Board of Governors,

It is with great pleasure and confidence that I write to endorse my fellow attorney, Rajeev Majumdar, for the WSBA BOG President-Elect position. I have known Rajeev over the last few years, and in my capacity as the President and board member of the South Asian Bar Association (Washington), we have worked together on several diversity initiatives pioneered by WSBA. In the time I have known Rajeev, he has been unyielding in his efforts to serve our community in various ways, most notably through his positions within WSBA. His dedication to such service is aided by his passion, deep experience, and competency in public service both as a lawyer and as an individual. Rajeev will bring not only his leadership skills, honed by the Washington Leadership Institute, but also diversity representation to our increasingly diverse community. Based on the above, I can think of no better candidate to lead the BOG forward than Rajeev Majumdar and I heartily endorse him for the President-Elect position.

Please feel free to reach out to me with any questions at either this email address or via phone at 541-231-3160.

Regards,



Radhika Prabhakar

Founder, Attorney
Locus Legal Solutions PLLC
W: www.locuslegalsolutions.com | E: radhikap@locuslegalsolutions.com
T: +1 (206) 273-7469 | A: 1100 Dexter Ave, Ste 100, Seattle WA 98109

Chambers of Judge Jason Poydras

Auburn Justice Center

340 E. Main Street #101

Auburn, WA 98002

(206)477-0924

April 29th, 2018

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

Dear Board of Governors:

I am writing you in my personal capacity in support of Rajeev Majumdar's candidacy for Washington State Bar Association President. Rajeev is a natural leader that is known for advocacy, access to justice, championing diversity, and his persistent positive professionalism even when facing daunting challenges.

I first met Rajeev while we were fellows in the Washington Leadership Institute (WLI). He was traveling statewide as a WLI Fellow, and had also stepped away from his law practice to serve as the interim executive director of Whatcom County's volunteer lawyer program, LAW Advocates. Few attorneys would have walked away from their livelihoods, without compensation, to ensure that the doors of justice remained open for the most downtrodden in our society. However, as President of the LAW Advocates board, Rajeev demonstrated his leadership abilities and commitment to access to justice by taking responsibility when no one else was willing.

Rajeev is a leader that people want to follow. He is a multiracial individual that claims all of his identities and defies the convention of putting people in boxes. Rajeev's experience and compassion for others and important causes are invaluable characteristics that enhance his ability to serve as WSBA President. He is a rural practitioner, but connects with people of all types statewide: cosmopolitan and easy-going at the same time. He was raised in a homogenous and traditional place but embraces being a champion of the foreign and new. Rajeev's broad and open perspectives give him the tools necessary to bridge divides and to bring different groups together. He is the type of leader that will listen and understand all sides of an issue. Rajeev is also a strong advocate that is not afraid of standing up to power and privilege. I have seen him engage head-on with a Supreme Court Justice and persuade them to consider his point of view.

In sum, Rajeev exudes strong leadership qualities that are consistent with the mission and values of the WSBA. He represents a new face for lawyers in many ways, all of them positive, and he has the ability to serve as a dynamic leader that will unite and inspire attorneys across the state. I strongly support Rajeev Majumdar for your consideration as the next President-Elect.

Sincerely,



Jason Poydras
Judge, King County District Court

From the desk of:
Tom Pacher,
Attorney at Law
P.O. Box 632
Freeland, WA 98249

April 29, 2018

Dear Sirs, Madams & Fellow Attorneys:

I am writing to you on behalf of Rajeev Majumdar, current Governor on the Board of Governors, District 2, for the WSBA. Specifically, I am writing to support Mr. Majumdar's bid for President of the WSBA.

I have not personally met Mr. Majumdar, but I have been corresponded with him a few times the past couple of years ago on a number of bar-related matters with questions and comments. I believe I started one-on-one correspondence following one of Mr. Majumdar's regular reports to attorneys in District 2. As I told Mr. Majumdar in my first email to him, I found his reports from the WSBA's board meetings to be extremely informative and helpful.

That first email led to a series of emails to and from myself and Mr. Majumdar, many of them relating to my concerns about how some action of the WSBA might possibly impact persons such as myself; namely, someone actively licensed, but not able to practice due to a number of physical disabilities. I was hit pretty hard by the so-called H1N1 flu (aka swine flu) in 2009 before a vaccine was available to the general public, and over time, my health has deteriorated to where I cannot presently practice. I've kept my license active in the hope doctors can fix enough that I may return to practice, but not actively practicing could have left me feeling quite disconnected from the operations of the WSBA.

It was with that in mind that many of the issues the WSBA has considered, discussed, etc., might impact a segment of the association that I think doesn't often get consideration. Namely, that is members like me, currently disabled, as well as those who might seek to re-enter or practice part-time as health and/or age, and just life in general impacts some of us. Questions such as mandatory insurance, bar dues and budgets, and other related issues, will by necessity have a different impact on persons who are either hopeful of practicing again after medical issues or after service elsewhere, as well as attorneys who wish to practice part-time such as a lead-in to full retirement or working part-time in order to raise children.

Despite being a member of this esteemed organization for the better part of three decades, I don't recall much discussion in recent years of how the actions of the WSBA might impact members who fall into these groups. I've shared my thanks to Mr. Majumdar for his professionalism in his informative updates as a BOG member, and he has—without fail—responded in a timely, courteous, informative and thoughtful member of the BOG.

District 2 has, in my opinion, been served by a number of able and skilled governors over the

years. Some were quite good about keeping members they serve informed with written or electronic communication. However, I cannot recall any that exceeded Mr. Majumdar's balance in communications while providing so much insight into what the WSBA BOG is working on. For persons not present for such meetings, that kind of correspondence is invaluable in keeping up-to-date on the goings-on at the governance level of the WSBA.

In considering whether to support Mr. Majumdar's bid for President of the WSBA, I did a fair amount of research to learn more about him. By the time I had finished, I was very impressed. He has worked with and for organizations I respect, and his work reflects what I had personally already come to realize: Mr. Majumdar is not running for WSBA President for prestige or to have something nice on his resume. He genuinely cares about people. He has demonstrated it to me in his communications, and I was not surprised to find his life reflects that very same level of concern for people, many times likely before he had even met the person(s) whom he might be helping.

Mr. Majumdar has expressed a desire to serve the WSBA by continuing to basically do what he has done for his career, and likely long before he was admitted to the bar in Washington. He is sincere and he shows a deep level of care that those who depend on his advice and input understand how things that matter to them work. He regularly demonstrates an earnest desire for transparency and to help others, and he listens to those whom he serves.

I've met more attorneys in the past 30+ years than I can ever count. I interned for attorneys while in law school, clerked for an outstanding judge after I graduated, worked for a firm of two dozen attorneys, gone the solo practice route a couple of times, and at one point had offices of my own in two different counties, with nearly a dozen employees at peak times. I've tried nearly 150 cases, so it's fair to say I've met and know a fairly large number of attorneys. Few attorneys have impressed me as Mr. Majumdar has.

In conclusion, I wholeheartedly support Mr. Majumdar as candidate to become the next WSBA President. I think he is the right person at the right time to lead the WSBA. If he is elected, I think the WSBA and its members would be exceptionally well-served. Thank you for your time and consideration in this matter.

/s/

Tom Pacher,
WSBA #18273

Cotton Law Offices



Jean A. Cotton
Attorney & Counselor At Law

507 W. Waldrip
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Office 360-482-6100
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April 30, 2018

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

SENT VIA EMAIL TO barleaders@wsba.org

Re: Candidacy of Rajeev Majumdar for WSBA President (2019-20)

Dear Governors:

I write to support the candidacy of Rajeev Majumdar for WSBA President during the 2019-20 term of office.

I have had the pleasure and privilege of knowing Rajeev during his term on the Board of Governors while I have served as a Section liaison to the BOG. During that time I have come to admire his qualities as a person, lawyer, and Bar leader. Rajeev possesses those qualities most needed in our servant-leaders at the Bar: integrity, professionalism, compassion, wisdom, skill, dedication to the rule of law and a balanced approach with regard to access to justice for all.

Rajeev's commitment to the Bar and most importantly, to its members, is evident in his work and his leadership roles and service to the legal profession. His resume speaks for itself. He has selflessly given of his time to numerous civic and legal organizations to improve the quality of our profession, to protect the rights of our State's citizens as well as members of the Bar, to improve the courts and access to justice, and to promote and preserve the civil justice system. The breadth of his experience and the honors bestowed upon him are simply awe inspiring.

In discussions regarding issues of concern to the members of the WSBA, it is not uncommon for Rajeev to courageously provide thoughtful commentary that enlightens all who are present and that provokes meaningful dialog thereafter. In all such exchanges, he embodies professionalism and courtesy. Perhaps one of his greatest qualities is his willingness to actually seek input from and listen to the members and thereafter advocate for their interests as a Governor. His insight, his kindness, his ability to work with and support the work of others, and his cheerful and collegial albeit serious style of leadership are qualities needed in the leaders of our Bar.

For all of these reasons and more, and while it is beyond me why anyone would want to take on this thankless job, it is an honor for me to recommend that the Washington State Bar Association Board of Governors elect Rajeev as the next WSBA President.

Very truly yours,

JEAN A. COTTON
Attorney at Law

April 30, 2018

DELIVERED VIA EMAIL (barleaders@wsba.org)

Board of Governors
Washington State Bar Association

RE: Letter of Endorsement for Rajeev Majumdar

Greetings,

Please consider this letter as my unwaivering endorsement of Rajeev Majumdar for President of the Washington State Bar Association. I have known Rajeev since 2008 and have worked as opposing counsel in many cases over the years, have presided as judge over hearings, and have had one opportunity to be co-counsel on a criminal defense matter. I also consider Rajeev a colleague and friend to call on for advice about professional and personal matters.

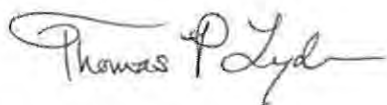
I admire Rajeev's willingness to speak his mind as much as I admire his willingness to listen and change his position – a rare commodity in today's world. Rajeev approaches his work with passion and sincerity, but is not shy to tackle difficult issues, discuss unpopular topics, or to eloquently venture down a law school-like hypothetical.

One anecdote that speaks to his character and ethic is based on a misdemeanor jury trial Rajeev tried as a prosecutor (I was not involved as counsel). Upon learning that one of his law enforcement witnesses had difficulty with arguably immaterial facts at trial, but *after* he had secured a conviction, he moved the court to dismiss the case. It is the only time I have heard of a prosecutor do this in my 10-plus years of criminal defense practice.

Finally, I can attest that Rajeev is as well-rounded an individual you will find in our profession. He is a doting father, a committed husband, and a social butterfly that adds so much intrinsic value to our local legal community. Rajeev can walk-the-walk in all aspects of his personal and professional life – for that I give this endorsement and encourage you to make Mr. Majumdar president of the WSBA.

Very best regards,

KEATING & LYDEN, LLC



By: Thomas P. Lyden

From: Ryan Walters [mailto:mail@ryanwalters.com]
Sent: Monday, April 30, 2018 11:22 PM
To: Bar Leaders
Subject: Endorsement of Rajeev D. Majumdar for WSBA President

Governors,

I write in strong support of the candidacy of Rajeev D. Majumdar for WSBA President.

Through his regular email updates to his district, Rajeev has repeatedly demonstrated his personal commitment to transparency, effective governance, and responsible stewardship of bar dues. The turmoil that the Bar has experienced in the past several years is underlied by an apparent lack of commitment to those principles. As an elected official myself, I am very much aware that a distrustful constituency makes efficient governance nearly impossible. Rajeev has correctly recognized that problem and promised to work to restore members' confidence, which is an essential first step in building the Bar we all need.

Ryan Walters, WSBA 38877
Anacortes



April 30, 2018

SENT VIA EMAIL ONLY

WSBA

Email: barleaders@wsba.org

RE: Rajeev Majumdar

To whom it may concern:

I want to endorse Rajeev Majumdar for the position of WSBA President. I've worked with Rajeev effectively over the past seven years as both opposing counsel and co-counsel.

He has always been reasonable and professional in negotiations and worked well with all of the lawyers, judges and law enforcement officers in his role as a prosecutor. In his role as co-counsel he has always been a team player and put in long hours to get the job done.

I'm also familiar with his reputation as a professor at Western Washington University as I've worked with his students after they have graduated from his class and they always have spoken very highly of him as an educator and mentor.

Additionally, I am the Vice President of Whatcom Women Lawyers and Rajeev is extremely active and supportive of the organization. He is an excellent ally for women lawyers in the community.

Rajeev understands the importance of dealing congenially with the public. He is honest, reliable, and willing to work the long hours needed for the position. I believe Rajeev Majumdar is the person best qualified to be our next WSBA President.

Best regards,

Emily C. Beschen
Attorney at Law
ECB:slk

From: Carrie Blackwood [mailto:CEBlackwood@outlook.com]

Sent: Monday, April 30, 2018 4:36 PM

To: Bar Leaders

Subject: Recommendation of WSBA Board President Candidate Rajeev D. Majumdar

I am grateful for the opportunity to recommend Rajeev D. Majumdar for the position of WSBA Board President. Not only do I have the pleasure of working with Rajeev on the WSBA Diversity Committee, I am also a member of the legal community in Whatcom County where Rajeev demonstrates daily a commitment to lifting up others through his service and dedication.

On the WSBA Diversity Committee, Rajeev is an active participant in the work of the Committee. Despite the significant obligations he fulfills as our WSBA District Governor, a demanding legal practice, and the challenges of being a new father and spouse, he never hesitates to volunteer his time to promote the mission of the Committee. For example, he contributed to a recent NW Lawyer article, hosted WSBA diversity focused CLEs, and served on working group subcommittees. I can attest to the effort all of these endeavors require.

In our community Rajeev is an active participant in the local bar, volunteers for Law Advocates which is an organization that provides access to legal services for those in need, and he also finds time to teach students of the Law, Diversity and Justice program. I can verify with knowing that the students have been provided unique insights and perspectives into legal access and equity issues through Rajeev's caring guidance.

Also, I find Rajeev to be kind, thoughtful, and passionate about issues of social justice. It is not easy to be an advocate for needed change, but he stands in the wind and points the way forward with joyfulness in his heart.

His marrow is full of angst for the most vulnerable among us, he knows that the conversations will be uncomfortable, he knows comfort is a privilege, he is up for discomfort, and he shines the light a bit in-front of himself so that we can all be guided.

What a gift Rajeev is, let's be grateful for the gift and support his candidacy.

In unity,

Carrie Blackwood.

Seattle | King | Snohomish

April 30, 2018

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

Re: Support for Rajeev Majumdar as Board of Governors President

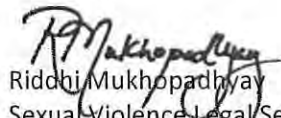
Dear Committee:

I am writing to express my support for my colleague Rajeev Majumdar for his run for President of the Washington State Bar Association's Board of Governors. Rajeev has always displayed the utmost integrity, professionalism, intellect and care for all individuals and communities he has served. His selection as BOG President would be an asset to our legal profession.

I have had the pleasure of working and collaborating with Rajeev through Washington Leadership Institute (WLI), facilitated by Justice Mary Yu and supported by many of our current Washington State Supreme Court justices and former BOG presidents. As a civil legal aid attorney, I stayed in touch based on his leadership at Law Advocates, the volunteer lawyer program in Whatcom County. I truly admire Rajeev's ability to see and openly discuss gray areas where others may only see black or white. He believes in community and communication, often playing mediator between individuals and groups. And though he may not enjoy conflict, he will not avoid it if it allows for a more equitable and just result. It is what makes him a strong advocate in private practice and a thoughtful public servant as a prosecutor and pro tem judge.

Rajeev recognizes the great responsibility that comes with being an attorney and the member of the legal community. As a result, he strives to be culturally competent and forward thinking in his efforts. He has taken controversial positions that I do not always support but based on his values of transparency and open communication, I know that I can approach him and have a candid, collegial conversation about why I may not agree with him. Whether or not his position on specific issues is one others may agree with, all who attempt to engage with Rajeev will be treated with fairness, respect and consideration. I would hope that any leader in the legal community would value transparency, diverse opinions and civility, as Rajeev does.

Sincerely,



Riddhi Mukhopadhyay
Sexual Violence Legal Services, Legal Director
WSBA No. 42759
206.832.3632
riddhim@ywcaworks.org



April 30, 2018

Via email: barleaders@wsba.org

WSBA Board of Governors

Re: Rajeev Majumdar for President-Elect

Dear Board of Governors:

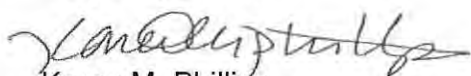
I would like to express my enthusiastic endorsement and support of Rajeev Majumdar as president-elect of the Washington State Bar Association. I have had the pleasure of working with Mr. Majumdar over the past three years on the board of Law Advocates, the volunteer legal program in Whatcom County as well as occasionally opposing him on cases. He has also been my district's BOG representative, a job that Rajeev has thrown himself into with characteristic passion and sincerity. Although I cannot say that in the past I regularly followed bar membership business, I have been a lot more informed since Rajeev has become my representative since he makes great efforts to communicate with all members to ensure transparency and participation.

On a personal level, Rajeev is smart, dedicated and most importantly, committed to maintaining the highest ideals of our profession. He stands out in our community for his dedication to access to justice issues and I have greatly enjoyed working with him on the Law Advocates board. He has an extremely calm demeanor and a wonderful ability to connect with individuals from all walks of life.

In my opinion, Rajeev would make an excellent WSBA board president, not only because of his impressive qualifications and temperament, but because he will bring a fresh perspective to the Bar as a younger member of a racial and ethnic minority in our community.

Thank you for taking the time to read this letter and please do not hesitate to contact me with questions.

Very truly yours,



Karen M. Phillips

cc: Rajeev Majumdar

From: Katti Esp [mailto:ktesp@openaccess.org]
Sent: Tuesday, May 01, 2018 10:42 AM
To: Bar Leaders
Subject: Rajeev Majumdar for WSBA President

To Whom It May Concern:

I would like to encourage you to elect Rajeev Majumdar for President of the Washington State Bar Association. I have had the opportunity to work with Rajeev while I was the President of the Whatcom County Bar Association and he was the editor of the Whatcom County Bar Newsletter. He was very responsive and timely in performing his duties.

Since Rajeev has become a member of the Board of Governors, I have also found him to be responsive and timely. I have called upon him numerous times in his role as a governor. He has returned my call typically the same afternoon as I called but no later than 24 hours after I initially called. He has been able to answer my questions regarding board matters or has directed me to another resource where I can find the information that I requested. He has been willing to talk about his positions on various board matters and why he supports the positions that he has taken on the matters. I appreciate his willingness to be of service to the attorney community, think about the consequences of the WSBA actions on attorneys who are actually practicing law and communicate with us about the actions of WSBA.

Thank you,

Katti Esp
301 Prospect Street
Bellingham, WA 98225
(360) 715-3100
fax (360) 392-3928
ktesp@openaccess.org

From: Sandip Soli [mailto:ssoli@rp-lawgroup.com]
Sent: Tuesday, May 01, 2018 12:58 PM
To: Bar Leaders
Subject: Rajeev Majumdar - Endorsement for WSBA President

Dear WSBA Bar Leaders,

Please accept my recommendation and endorsement of Rajeev Majumdar for president of the Washington State Bar Association.

In the summer of 2005, Rajeev was a summer associate at my first law firm Carney Badley Spellman, P.S. where I served as his mentor. In his first legal position, Rajeev excelled in integrating with the law firm in a relatively short period of time and encouraging the law firm to consider civil rights in the context of real estate transactions. His memorable project was researching and analyzing restrictive covenants that prohibited certain Seattle neighborhoods from selling real estate to African-Americans, Asian-Americans and other ethnic and religious minority groups. Rajeev transformed this summer project into a broader, informative law review article to guide attorneys in righting past wrongs in this context. *Racially Restrictive Covenants in the State of Washington: A Primer for Practitioners*, 30 SEATTLE UNIV. L. REV., 1095-1117 (2007). That initial summer reflects Rajeev's promise to lead our statewide association of practitioners to accomplish broader societal objectives.

Rajeev and I crossed paths several times through the South Asian Bar Association of Washington ("SABAW"), which I co-founded to connect attorneys to each other to help the local South Asian community. Meanwhile, Rajeev was president of the South Asian Law Students Association ("SALSA") at Seattle University, and rejuvenated the connection between SABAW and SALSA, and the broader South Asian community. In addition, he committed SALSA successfully to publishing an article on South Asia or South Asians in the law every month at Seattle University, which elevated the profile of minority attorneys locally. As WSBA governor, Rajeev continues to serve as liaison between WSBA and SABAW, and therefore, the South Asian community at large.

Finally, and most importantly, Rajeev is a reputable, experienced practitioner in Whatcom County, to whom I have successfully referred clients. His practice involves several areas of law with offices near the Canadian border, which gives him invaluable perspectives on issues that concern many WSBA members—practice management, limited license legal technicians, rules of professional conduct, etc.

In sum, Rajeev exemplifies the qualities of the best leaders to have served as WSBA president:

- Focus on the greater good in our society
- Instill integrity and confidence in the bar
- Recruit diversity into the profession
- Encourage attorneys to follow

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sandip Soli

WSBA No. 29534

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

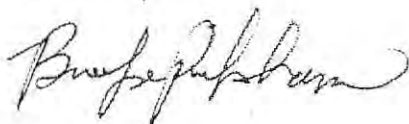
May 1, 2018

Dear WSBA Governors:

I write to express my support of **Rajeev Majumdar for 2019-2020 WSBA President**. I've known Rajeev since 2015, the year we both participated in the Washington Leadership Institute. Rajeev, by far, has what it takes to lead the WSBA. He is bright, honest, hard-working, diplomatic, and most importantly, thoughtful and sincere in his desire to be inclusive. What I appreciate most about Rajeev is his integrity toward the practice of law and his warm interactions with others in the legal community. I have been witness to it all. I've witnessed his advocacy for communities outside of Seattle so they remain in the purview of an often time Seattle-centric Bar. I've witnessed his unwillingness to accept that all things being status quo can negatively affect certain sections of the Bar, including the Indian Law Section. I appreciate his advocacy to insure that the Board of Governors maintains its commitment and integrity to its constituency. I honestly have not been as excited about WSBA involvement until Rajeev became involved. Rajeev has inspired me, and it is why I now sit on various WSBA boards and task force.

Esteemed Governors, you would be doing the Washington Bar an incredibly favor by placing Rajeev in the position of President. I highly recommend and support Mr. Majumdar for WSBA President, and I have no hesitation to answer any questions regarding him and his character.

Sincerely,



Brooke Pinkham
WSBA #39865
(206) 412-8152

From: Richard L. Johnson [mailto:rjohnson@lesourd.com]
Sent: Tuesday, May 01, 2018 4:11 PM
To: Bar Leaders
Subject: Endorsement for Rajeev Majumdar

Dear Governors,

I am writing to endorse Rajeev D. Majumdar for the President-Elect position. I got to know Mr. Majumdar several years ago when he ran for the BOG position he currently holds. Mr. Majumdar reached out to me during his campaign, knowing I was active in the Tax Section, for information on the Section Policy Workgroup's proposals. I explained how Sections would be negatively impacted, how Section leaders were frustrated with the composition of the Workgroup (no section leaders at that time), and how Section leaders were given little time to provide input. After my one-sided explanation, I asked Mr. Majumdar if he would oppose the Workgroup's proposals. Mr. Majumdar said, "I don't know whether the proposals are good or bad for the Sections, but I do know that the Sections should be included on the Workgroup."

I'm paraphrasing Mr. Majumdar's response, but our overall discussion highlighted two values that make Mr. Majumdar the ideal candidate for the position as President-Elect and ultimately as President.

Value 1: Mr. Majumdar values the best interests of the Bar membership. It would have been easy for Mr. Majumdar to agree to support the Sections in opposing the Workgroup's proposals. However, Mr. Majumdar was unwilling to choose a side because he did not know whether the proposals were in the best interest of the Sections or the membership.

Value 2: Mr. Majumdar values due process. Without taking a position for or against the Workgroup's specific proposals, Mr. Majumdar believed that the Sections, as the affected group, should have been involved in shaping the policies.

Under the WSBA bylaws, the President is tasked with being the chief spokesperson of the Bar, setting the agenda for BOG meetings, and taking action to execute the policies established by the BOG. These are not simple tasks because the Bar consists of members who, as advocates for their clients, are often adversaries of one another, but, as advocates for one another (e.g., Sections) they may become adversaries of Bar leadership. Mr. Majumdar, as a constant advocate for the best interests of the membership and for due process, can lead the BOG and the Bar to find common, stable ground with its membership.

Sincerely,

Rich Johnson

Richard L. Johnson | Attorney | [LeSourd & Patten, P.S.](#)
600 University Street, Ste. 2401 | Seattle, Washington 98101
D: 206-357-5084 | M: 206-624-1040 | F: 206-223-1099 | rjohnson@LeSourd.com
[Upload Documents](#) of any size via ShareFile

PAULA PLUMER

Attorney at Law

May 1, 2018

WSBA Board of Governors
1325 Fourth Ave. Suite 100
Seattle, WA 98101

RE: Rajeev Majumdar for board president

To Whom It May Concern:

The purpose of this letter is to endorse Mr. Rajeev Majumdar for WSBA President.

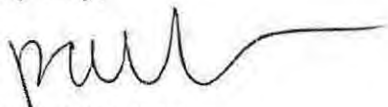
As a member who has read his regular and informative reports since he has served on the Board of Governors, I strongly endorse Rajeev.

I've been a member of the bar since 1991. Rajeev's regular communication is very thorough and complete on WSBA activity. Since he's been our governor, I am aware of and understand aspects of debate and discussion at the state level that have not been comprehensible until his reports were sent out to our district members. His reports are very timely and are presented in a way that an ordinary practitioner like myself can digest, with links to the materials. I don't know how he finds the time, or frankly, sustains the interest at the level of detail at which he keeps us informed. The summaries are objective and very useful.

I do not otherwise have a personal or professional relationship with Rajeev, I rarely practice in his county. I just know it's been very useful to have his reports and I am grateful for the effort he's given to that effort. I trust his judgment and commitment and believe he will provide consistency for the board.

Thank you for your considering this endorsement.

Very truly,



PAULA PLUMER
Attorney at Law (WSBA #21497)

417 West Gates Street, Suite #1 Mount Vernon, WA 98273
Phone: (360) 428-3988 Fax: (360) 428-5044

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



Jen Petersen, LLLT

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

April 10, 2018

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

RE: President-Elect Position

Dear Board of Governors:

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

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

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

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

The practice of law is an enormous gift and tremendous responsibility. The profession serves the public, its interests and needs. Access to justice is vital to that service. It would be an honor to serve the Washington State Bar as its President-Elect. Thank you for your consideration. I look forward to hearing from you.

Respectfully,
SHEPHERD AND ALLEN



Douglas R. Shepherd

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

DOUGLAS R. SHEPHERD

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

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

REFERENCES

STEVE CHANCE	119 N. Commercial Street, Suite 175, Bellingham, WA 98225 (360) 676-9700 steve@chancelaw.com
WILLIAM KNUDSEN	119 N. Commercial Street, Suite 1200, Bellingham, WA 98225 (360) 676-0646 wknudsen@qwestoffice.net
DAVID STROUT	4701 SW Admiral Way, Suite 333, Seattle, WA 98116 (206) 914-9111 David@stroutlawpllc.com
NANCY IVARINEN	1504 Broadway Street, Bellingham, WA 98225 (360) 527-3525 nancy@ncilegal.com
JOHN MURPHY	1002 S 3 rd Street, Mount Vernon, WA 98273 (360) 336-6647 john@jwmurphyllaw.com

(barleaders@wsba.org)

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

**RE: President-Elect Position
Candidate Douglas Shepherd**

Dear Board of Governors:

I am writing to recommend and endorse Douglas Shepherd for the WSBA President-Elect Position. I have known Doug for approximately 15 years, since I moved to the City of Bellingham to work in the Bellingham City Attorney's Office. He has been a pillar in the local legal community. He is passionate about the practice of law, issues of fairness and equity, community service, and life. I respect him very much and am confident he would perform exceptionally well in the position.

Thank you for the opportunity to provide my input in the process.

Sincerely,

[sent by email only]

Peter Ruffatto
Bellingham City Attorney
WSBA #24366

pruffatto@cob.org
360-778-8276

From: David Brown [mailto:outlook_2E6911FD6C564C3D@outlook.com]

Sent: Thursday, April 12, 2018 1:20 PM

To: Bar Leaders

Subject: Doug Shepherd

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

**RE: President-Elect Position
Candidate Douglas Shepherd**

Dear Board of Governors:

I endorse Doug Shepherd for the position of WSBA president. He has been an advocate for access to justice throughout his career.

David A. Brown
Managing Partner
Brett McCandlis & Brown
1310 10th Street
Bellingham, Washington 98225
800 925 1875
www.washingtoninjury.com

From: Adam Engst [<mailto:adengst@gmail.com>]
Sent: Thursday, April 12, 2018 2:29 PM
To: Bar Leaders
Subject: President-Elect Candidate Douglas Shepherd

Dear Board of Governors:

I am writing to endorse Doug Shepherd for WSBA President-Elect. As a relatively young attorney, Doug has provided me with valuable advice and mentorship, and I have seen him provide this kind of guidance to other young attorneys, as well. I represent many indigent and disenfranchised clients, and I believe Doug will take steps to increase access to justice for these types of clients.

Thank you for your consideration.

Sincerely,

Adam D. Engst
WSBA #46094

The Law Offices of
LESTER & HYLDAHL

Professional Limited Liability Company
119 N. Commercial Street, Ste. 175A

Bellingham, WA 98225

Telephone: (360) 733-5774

Facsimile: (360) 733-5785

TOM LESTER
DOUGLAS HYLDAHL

tom@lesterhyldahl.com
doug@lesterhyldahl.com

April 17, 2018

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

Re: President-Elect Position
Candidate Douglas Shepherd

Dear Board of Governors:

Mr. Shepherd has an internal compass that I wish could be duplicated. He understands the privilege, honor and responsibilities that all lawyers should embrace. We seldom live up to the gifts we have been given. Mr. Shepherd has brought the good fight for over forty years. He is a tireless advocate for justice.

Justice is just a word to some. To Mr. Shepherd it is the right of every human. When anyone is denied justice, we all suffer. Martin Luther King Jr. identified need for justice, "True peace is not merely the absence of tension, but rather the presence of justice." We tend to forget the dramatic and sometimes permanent impact our work has on our communities. Mr. Shepherd does not.

Yes, I wholly support Mr. Shepherd to be WSBA President-Elect.

Sincerely,

LESTER & HYLDAHL, PLLC



Tom Lester

TEL/slc

The Law Offices of
LESTER & HYLDAHL
Professional Limited Liability Company
119 N. Commercial St., Ste. 175A
Bellingham, WA 98225
Telephone: (360) 733-5774
Facsimile: (360) 733-5785

TOM LESTER
DOUGLAS HYLDAHL

tom@lesterhyldahl.com
doug@lesterhyldahl.com

April 17, 2018

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

RE: President-Elect Position
Candidate Douglas Shepherd

Dear Board of Governors:

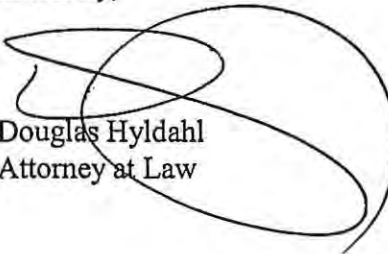
I have been in practice in Washington for approximately 35 years. I started as a tribal defender for the Quinault Indian Nation, went on to work with the firm of Shepherd and Abbott for two years, spent the following 16 years in practice at the Whatcom County Public Defenders Office, and have been in private practice since that day. I have served on two committees of the WSBA: the Judicial Recommendation Committee and the Public Defense Task Force. I have served as *pro tem* judge and commissioner in the Whatcom County Superior Court and various municipal courts in Whatcom County. I have participated in and served as President of the Washington Association of Criminal Defense Lawyers.

I first met Doug Shepherd when I applied for a job at Shepherd and Abbott in 1985. I was hired as an associate and worked with Doug and his partner, Joe Abbott, for the next two years. I have known him both professionally and personally since. I learned much of what I know about being in a courtroom from Doug, and I also learned that there is no substitute for hard work and honor. Above all, Doug is an honorable man. By that I mean he interacts with everyone he meets with empathy and a desire to understand that individual's motivations and perspective. He works comfortably with people from all walks of life and values everyone's contribution to the society in which we live.

Doug and I have frequently argued about what is most important in life: love or justice. I believe the former is the glue without which life is savage and brutish. At the risk of speaking for him, I believe that Doug holds that justice is most important goal in life and, that without it, life is savage and brutish. At any rate, I can safely say that Doug has committed his life to the pursuit of justice, whether or not that pursuit personally benefits him or not. I know of no person who tries harder, or is more successful, at bringing justice to his fellows.

The WSBA would be fortunate to have Doug as its President Elect and I urge his selection.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by 'H' and 'AHL'.

Douglas Hyldahl
Attorney at Law

STEVE CHANCE

Attorney at Law, P.C.

119 N. Commercial Street, Suite 175
Bellingham, WA 98225
(360) 676-9700 ♦ (360) 676-0082
email: steve@chancelaw.com

April 17, 2018

Sent by Email Only barleaders@wsba.org

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

Re: President-Elect Position
Candidate Douglas Shepherd

Dear Board of Governors:

I am writing to endorse Doug Shepherd for the position of President-Elect of the Washington State Bar Association.

I have known Doug for over 20 years. We have similar litigation practices and have worked collaboratively on cases and been opposed to him on others. Over the years, I have come to know him personally as well. Doug is the type of lawyer we should aspire to be, an extremely hard worker and honest with a solid moral compass. He has a keen understanding of the human spirit which exemplifies itself in how he deals with clients, juries, and his law firm's commitment to representing those unable to pay.

In my view, Doug is uniquely qualified to serve as President-Elect and then President. He has consistently prioritized diversity in his law firm, has an associate he mentored through the APR 6 clerk program (his daughter), and employs one of the first LLLT practitioners in the State of Washington.

I was glad to hear Doug decided to submit his name. The WSBA would be well-served having Doug Shepherd in a leadership position and he has my full endorsement.

Thank you for your consideration.

Very Truly Yours,



Steve Chance
Attorney at Law

From: Elizabeth Li [mailto:eli@elizabethli.com]
Sent: Thursday, April 19, 2018 4:14 PM
To: Bar Leaders
Cc: dougshepherd@saalawoffice.com; Heather Shepherd
Subject: President-Elect Position, Candidate Douglas Shepherd

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

**RE: President-Elect Position
Candidate Douglas Shepherd**

Dear Board of Governors:

I write in support of Douglas Shepherd as the next President-Elect of the WSBA.

I have known Doug since the early 2000s when I was a fresh young lawyer to the Bellingham bar. I consider him one of my mentors. He is passionate about family, fellowship, justice, equality. He is known to take on the tough fights, especially for those who cannot fight for themselves. Doug is someone who gets up every morning excited to go to work, something he has told me more than once through the years.

Doug exudes leadership. He has that natural gift. He is generous and strong but humble with a healthy side of compassion and humor. Many people call him Commander Shepherd because he was a Navy pilot. I call him Commander Shepherd because he inspires trust and loyalty.

Plus, for decades, Doug has spearheaded the Whatcom County Bar Association Ski Bus. This is one of those cherished annual events where we lawyers and lawyer-compadres (accountants, engineers, spouses, etc.) look forward to a day of fellowship on Whistler or Blackcomb Mountain. Doug creates this fun, therapeutic event and then puts those proceeds towards our local legal pro bono organization LAW Advocates.

He is aptly named Shepherd.

Thank you for considering Doug Shepherd to be next in line to lead the state bar. He will do us proud.

Sincerely,
Elizabeth Li
WSBA 30021

ADELSTEIN, SHARPE & SERKA LLP
ATTORNEYS AT LAW

STEVEN P. ADELSTEIN
PHILIP E. SHARPE, JR.
PHILIP A. SERKA
JEFFREY P. FAIRCHILD
MITCHELL G. FABER
IVAN M. STONER
IAN McCURDY
JAMES T. HULBERT

April 24, 2018

Direct email: sadelstein@adelstein.com

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

APR 26 2018

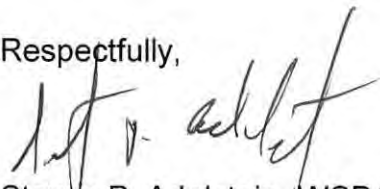
Re: President-Elect Position
Candidate Douglas Shepherd

Dear Board of Governors:

I am pleased to endorse Douglas Shepherd for the position of WSBA President-Elect. As a long-time Whatcom County attorney, I have known Doug in a professional capacity since he started his law practice so many years ago. I admire his tenacity and his strong sense of justice for those whose access to justice is limited. Doug is thoughtful, forthright and a tenacious advocate for his clients. He sets an excellent example for all of us with his high ethical standards and pursuit of justice.

My highest recommendation goes to Doug Shepherd for WSBA President-Elect.

Respectfully,



Steven P. Adelstein, WSBA #5521
SPA/dw

s:\miscellaneous\spa misc\letters\wsba letter_shepherd.doc

From: Ann Vetter-Hansen [mailto:ann@whatcomfamilylaw.com]
Sent: Thursday, April 26, 2018 1:25 PM
To: Bar Leaders
Subject: Letter of Endorsement: Doug Shepherd

Dear Board:

I am writing to enthusiastically recommend Doug Shepherd as our next bar president. Ever since I arrived in Bellingham as a brand new attorney in 2006, I heard of this larger-than-life Doug Shepherd character. I recall being eager to see him in action at the courthouse, as well as the day I saw him striding across the courtroom absolutely impassioned about his case. He lived up to his reputation, and he's consistent no matter the environment he's in. His dedication to justice for all appears fundamental to his character.

Due to my practice area and other local connections, I have some insight into Doug's relationships with his staff. He's fiercely interested in their professional successes -- well beyond what they do for him or the name of the firm. As a woman, I particularly admire how he's way ahead of the curve in recognizing that the female attorneys and staff he employs face different challenges than he does. I know for a fact that he's used his privilege to set more than a few slow learners straight on how to treat women with respect. Leading from within our local legal community matters so very much, and I have no doubt that he's made Whatcom County a better place for female professionals. I have no doubt he would bring the same values and integrity to the larger WSBA community. It is very important to me that the WSBA be led by someone with great intellectual honesty. Doug brings that and more.

Ann Vetter-Hansen

Philip Vetter-Hansen, PLLC
1200 Old Fairhaven Pkwy., Suite 203
Bellingham, WA 98225
(360) 392-3988

From: Linda Strout [mailto:strout1945@msn.com]
Sent: Tuesday, May 01, 2018 4:10 PM
To: Bar Leaders
Subject: Douglas R. Shepherd

To: WSBA Board of Governors

I am proud to support Doug Shepherd's candidacy for WSBA President-Elect. I have known Doug since we met in our first year of law school almost forty two years ago.

Since graduation, we have collaborated on over 150 matters. The collaboration has ranged from acting as co-counsel in protracted civil jury trials, to assisting him by editing briefs and motions and participating in jury selections. Doug is an extremely skilled trial lawyer; relentlessly committed to his clients.

He is also committed to the noble ideal of access to justice, especially for people without either wealth or power. One example of this commitment is the Access Identification Project, which was run out of Doug's Office for the first year before the program was passed to LAW Advocates in 2012. Access ID provides assistance to homeless and low income individuals to obtain State-issued identification. The program was launched in response to the growing obstacles facing individuals seeking housing, health, legal and employment assistance, all of which require proof of identity.

Doug brings honor to the ideals of WSBA and our profession. He has earned, and deserves, your most serious consideration.

Very truly yours,

DAVID STROUT
WSBA #9421

FISHERBROYLES®

A LIMITED LIABILITY PARTNERSHIP

Geoffrey G. Revelle
Partner
701 Fifth Avenue, Suite 4200
Seattle, WA 98104
Direct: 206.714.0964
geoff.revelle@fisherbroyles.com

V

April 10, 2018

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

Re: President-Elect Application

Dear Board:

I am applying for the President-Elect position with the Washington State Bar Association. My resume is attached and my references are listed below. The resume is from Stoel Rives through 2017 when I retired from Stoel. It has more information than my current resume with my new firm, Fisher Broyles where I am a partner working part-time. Fisher Broyles is a national virtual law firm with 210 partners.

I am applying for the position for three reasons: (1) The WSBA is an institution that I care deeply about—both its practicing members and the public it serves. It would be an honor and a privilege to serve as its President; (2) I have observed that the current Board (“BOG”) seems deeply split on some issues of importance. I have a long history in my law practice of helping to resolve difficult Board and shareholder issues and think those skills would be useful in helping the BOG to move forward collaboratively to serve both its members and the public; (3) While I have been very involved with the WSBA for the last three decades in various capacities and attended many Board meetings in various roles, I have not served on the BOG. I think it is a good time for an “outsider” to be President. I have a broad knowledge of how the WSBA works—how it is organized, its mission and purpose and the laws that govern it. I believe that I would be a good fit as its President.

My WSBA activities have included the Mandatory Malpractice Insurance Task Force chaired by Bill Gates Sr., which is now being considered anew. I was and am on the Legislative Committee; serving for most of my tenure as a “Core Member” until that designation was ended (I was on the study group that recommended the changes). I was on the MCLE Task Force that drafted and recommended the current MCLE rules. I have been the BOG liaison over the years for many organizations including the East King County Bar Association, the King County Bar Association and Foundation and currently the Access to Justice Board.

I have significant experience as a trustee and President of many law-related and non-law-related organizations, including serving as President of the East King County Bar Association, King County Bar Association, King County Bar Foundation and Youth Eastside Services. I am currently Chair of the Access

ATLANTA ■ AUSTIN ■ BOSTON ■ CHARLOTTE ■ CHICAGO ■ CINCINNATI ■ CLEVELAND ■ COLUMBUS ■ DALLAS
DENVER ■ DETROIT ■ HOUSTON ■ LOS ANGELES ■ MIAMI ■ NAPLES ■ NEW YORK ■ PALO ALTO
PHILADELPHIA ■ PRINCETON ■ SEATTLE ■ WASHINGTON D.C.

to Justice Board, the Pendleton and Elisabeth Carey Miller Charitable Foundation and the Elisabeth Carey Miller Botanical Garden Trust.

My law practice and career have been quite varied, which I think would be helpful in understanding the issues that lawyers from a variety of backgrounds and practices face. I have been a prosecutor, public defender, a founder of my own law firm that we grew to 28 lawyers, a civil and criminal trial lawyer, then a business lawyer, then a software company EVP/COO/General Counsel followed by 20 years as a partner at Stoel Rives with a varied business practice. Because of my diverse law practice and experience as a litigator, I have often been brought in to try to sort out shareholder and Board impasses and disputes, usually (but not always) with positive outcomes. I think my background has made me an effective Board president the multiple times I have held that position.

I am deeply committed to Access to Justice issues and believe the WSBA plays a critical role in ensuring people have access to legal services. I am intimately familiar with and concerned about the barriers to access that low income and people of color face in our legal system. I appreciate my role as a lawyer – and my ability to serve clients and earn a living. I understand that the WSBA has many roles in serving lawyers and serving the public. I would like to contribute my skills and experience to assist the WSBA in effectively providing service to both lawyers and the public.

If selected, I would want to work with the BOG and staff to provide programming to assist WSBA members adapt to the ever changing and ever more challenging practice environment they face. I would also want to work on creative ways to provide greater access to the courts and legal system to the public who are increasingly unable to afford the legal help they need and which a just society requires.

Technology is an important part of the solution for lawyers and clients. My current firm is an example of how technology can lower overhead dramatically (for me from \$260,000 a year to \$40,000) and lower costs to clients (My rate is 25% lower than when I left Stoel). I think that the WSBA could be more active in assisting its members in being more efficient and profitable.

My term on the ATJ Board ends in September. I would as WSBA President-Elect and President continue to be concerned about and want to work on those issues with the BOG, WSBA staff and the legal community.

Thank you for considering my application. My references are below. All will be submitting letters with contact information or I can provide it if that would be helpful.

J. Richard Manning

Michele Radosovich

Stew Cogan

Sal Mungia

Francis Adewale

Jill Karmy

Kate Battuello

Board of Governors
April 10, 2018
Page 3

Hon. Paul Bastine (Ret.)

John Laney

Stephen D. Fisher

Sincerely,



Geoffrey G. Revelle

GGR/ddb

Enclosure



Geoffrey G. Revelle

Retired Partner

Seattle, WA

P: [206.689.8730](tel:206.689.8730)

✉ geoff.revelle@stoel.com

Industries Serviced

Emerging Companies
Technology

Service Areas

Capital Markets & SEC
Compliance
Corporate
Emerging Companies
Intellectual Property
Mergers & Acquisitions

Bar Admissions

Washington
U.S. District Court for the
Western District of
Washington
U.S. Court of Appeals for the
Ninth Circuit
U.S. Supreme Court

Education

University of Washington
School of Law, J.D., 1972;
Order of the Coif

Princeton University, B.A.,
1969, magna cum laude

ABOUT GEOFF

Geoff joined Stoel Rives in 1995 and is a retired partner of the firm's Seattle office. He focused his practice on assisting companies on a broad range of issues, including mergers and acquisitions, equity and debt financing, general corporate work, licensing and distribution arrangements, senior executive employment arrangements and business disputes. Geoff is on the Board of Directors and is Meetings Committee Chair of TerraLex, an international association of more than 150 leading law firms around the world. Geoff assists clients with their international needs through the use of this network and also assists TerraLex firms' clients with their needs in the United States. He is also the former Executive Vice President of Operations and General Counsel of Attachmate Corporation. His responsibilities at Attachmate included oversight of all areas of operations worldwide, including finance, IT, manufacturing and distribution, legal and human resources. Geoff combines his business and legal experience to provide a broad range of counseling to the firm's clients.

Before joining Stoel Rives, Geoff was Deputy Prosecuting Attorney for King County (1972-1975), founder and shareholder of Revelle & Hawkins, P.S. (1978-1993) and Chief Operating Officer of Attachmate Corporation (1992-1995).

EXPERIENCE

- Represented software manufacturer in \$260M acquisition transaction.
- Represents consortium of avionics suppliers in contracts for development and deployment of the next generation of air traffic control software involving multiple parties including a consortium of major airlines and the FAA.
- Represented International Food Services Company in \$80M acquisition of U.S. rendering plant and related businesses.
- Represented specialty crane manufacturer in sale of the company to a

strategic buyer.

- Represented companies, CEOs and other senior executives of several companies in employment and severance negotiations.
- Represented internet service provider in multimillion-dollar transactions to develop and host web sites and provide services for major automotive manufacturers and their dealers.
- Represented buyer in management acquisition of office furniture and products company, including third-party financing transactions.
- Represented timber company and family trust in sale and development of various properties, both timber and commercial.
- Represented mainframe software company in strategic worldwide joint venture for development, marketing and support of complex package of mainframe software products.

HONORS & ACTIVITIES

- TerraLex Board of Directors, 2006-present
- Recipient, Outstanding Attorney Award, King County Bar Association, 2014
- Chair, 2016-2018 Chair-Elect, 2014-2016), Board of Directors (2012-present), Washington State Access To Justice Board (appointed by the Washington Supreme Court)
- Board of Trustees, past Chair, King County Bar Foundation, 1993-2012; President, 2005-2006
- Member, Board of Directors, Smart Grid Consumer Collaborative, 2010-2015; member, Executive Committee, 2011-2015
- Member, Legislative Committee, Washington State Bar Association, 1998-present
- Member, Panel of Arbitrators, American Arbitration Association, 1991-present
- Member, Pendleton and Elisabeth Carey Miller Charitable Foundation and Miller Botanical Garden Trust Board of Trustees, 1993-present; President 2015-present, Vice President, 2000-2015; Chair Finance Committee, Executive Committee, 2000-present
- Recipient, TerraLex Distinguished Service Award, 2008, 2010, and 2013
- Member, Chair, Federal Public Policy Committee, Washington Council of the AEA, 1994-2005
- Past President, Trustee and Officer, King County Bar Association, 1988-1993
- Past President, Trustee and Officer, East King County Bar Association, 1981-1991
- Past Officer, Trustee, Youth Eastside Services, 1981-1986
- Lifetime Fellow, American Bar Foundation

INSIGHTS & PRESENTATIONS

- Lecturer and program chair for numerous continuing legal education programs

APR 16 2018

J. RICHARD MANNING
1103 KEY RD
PORT ANGELES, WA 98362

TELEPHONE: (360) 504-2727
E-MAIL: JMB@SEANET.COM

April 12, 2018

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

By Email and USPS

Re: In Support of the Application of Geoffrey Revelle for WSBA President

Dear Governors,

I've known Geoff Revelle since at least the 1980's (and probably before). Geoff can best be described as a man for all seasons. His leadership is probably more diverse than any lawyer I have ever known.

- He started practicing law as many of us have – a few lawyers in a small general practice firm. He understands the difficulties faced by some lawyers succeeding in small firms.
- He served as a president the King County Bar Association (KCBA) in the 1990's and president of the King County Bar Foundation (KCBF) in 2005-06. Here's one good example of what I witnessed. While he was Bar association president, through his direction and facilitation the Foundation was restructured and reorganized so that instead of raising about \$25,000 a year – as it had for many years for indigent civil legal services, its revenue immediately tripled. Today using the same giving circles and structure the foundation now raises many hundreds of thousands of dollars for civil legal services for the most vulnerable - and minority law school scholarships.¹
- He has attended as a trustee or chaired or presided as president of numerous local law and non-law related and community non-profit organizations and continues to volunteer in some of this work. He's also a long time member of the WSBA Legislative Committee.

¹ My experience with Geoff is based on my role – among others – as president of both the King County Bar Foundation and the King County Bar Association and as president of the Washington State Bar Association.

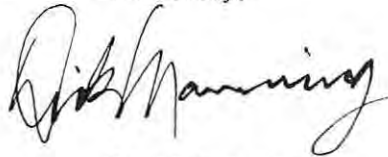
- As chief operating officer and executive vice president of an international mainframe software company, he probably faced some of his most difficult challenges: bringing consensus to diverse views.
- He is completing a term as President of the Access to Justice Board created by the Supreme Court – an organization that is addressed by its diverse members and their diverse views including Judges, lay members and lawyers. Geoff has fared well there.

I'm aware that generally WSBA Governors feel that a president should come from their ranks. Presumably this is because the president would have an institutional memory and experience of how governance at this level works. To Geoff's credit he has been a liaison to your Board for many years representing 2 bar associations, a bar foundation and as chair of the Access to Justice Board – I'm not even counting the meetings he attended in the 1990's. I suspect he's attended far more BOG meetings than any of its present members.

I hope you will support Geoff as your new President Elect – a lawyer who has found respectful collaboration and listening as the most important tool in resolving conflict.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Manning". The signature is fluid and cursive, with the first name "Dick" being more prominent and the last name "Manning" following in a similar style.

Dick Manning

April 12, 2018

Board of Governors
Washington State Bar Association
barleaders@wsba.org

Re: Geoff Revelle's Application for President-Elect

Dear Board of Governors Members:

I have worked with Geoff in many capacities over the past 20 years. Our service has overlapped at the King County Bar Foundation, the WSBA Legislative Committee, and various Access to Justice organizations. Most recently, I chaired the MCLE Task Force of which Geoff was a very valuable member.

I have always found Geoff to be hard-working, smart, and calm. To use the MCLE Task Force as an example, Geoff attended every meeting, was always prepared, and was instrumental in shaping the new MCLE rules. There were numerous areas of disagreement about the rules: should "live" credits be required, should law office management carry credit, how much credit should be allowed for activities such as mentoring and pro bono work. Geoff was a consistent advocate for giving attorneys flexibility and trusting them to act responsibly. He was usually able to convince the other members of the task force about his positions or, if not, to come up with reasonable compromises. The resulting rules very much reflect the value of his input.

One reason Geoff is successful in association work (and probably in law practice as well) is that he is a good listener. He is able to sit back and take in information in a non-judgmental way. He can certainly take a strong stand, but always does so in a way that is respectful of those who disagree.

He is a problem solver. In the current environment within bar leadership, the ideal bar president would be someone who is less concerned about his own agenda than about forging consensus among leaders with different views. I see Geoff as that person. The fact that he has not served on the Board of Governors may actually be an asset. I too was in that position and found that it was sometimes useful not to have already taken sides on a contentious issue.

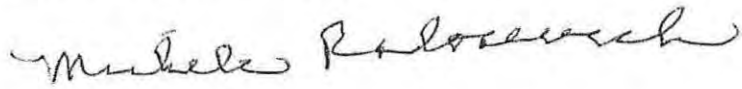
I urge you to vote for Geoff as president-elect.

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April 12, 2018
Page 2

Yours truly,

Davis Wright Tremain LLP

A handwritten signature in cursive script, reading "Michele Radosevich". The signature is written in dark ink and is positioned above the printed name.

Michele Radosevich

ASSISTANT PUBLIC DEFENDERS

FRANCIS ADEWALE	DANIEL GREEN
NICHOLAS ANTUSI	ANDY HESS
DONNA AUGUST	CYNTHIA JAEGER
DAVID CARLSON	W. BOB KING, II
JAZMYN CLARK	KEVIN LATHIM
BRIDGET CONDON	JENNIFER PENCE
GERHARD DUNLAP	BRIAN RAYMON
CHRISTOPHER H. EDWARDS	LILLIAN TANG
MICHIKO FIELD	TONY TOMPKINS
	NICHOLAS ULRICH



OFFICE OF THE PUBLIC DEFENDER

824 NORTH MONROE
SPOKANE, WASHINGTON 99201
509.835.5955
FAX 509.835.5987

KATHY KNOX
PUBLIC DEFENDER

Monday, April 16, 2018

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-253
Olympia, Washington 98504

RE: Endorsement and Letter of Support for Geoffrey Revelle Candidacy as
President Elect of Washington State Bar Association.

Dear Board of Governors:

My name is Francis Adewale, a public defender for the City of Spokane and community activist. I am writing to ask that you favorably consider and ultimately elect Geoffrey Revelle for the position of WSBA President Elect.

I am employed as a Public Defender and am a member of the Minority bar in Spokane and Washington State. I am a U.S citizen and resident voter in Spokane, WA. I have practiced law in Spokane for more than 16 years during which time I have had the good fortune to know and work with Geoff on access to justice issues. During that time, I have found him to be a tireless advocate for the cause of the poor and the marginalized in our state while upholding the highest ideals of our profession. His passion for access to justice and fairness is peerless and I have no doubt that he will be bring this to bear as President Elect of WSBA.

As you are no doubt aware, there are many people in our state that have difficulties accessing justice due to "difficult" past and present circumstances including extreme poverty, addiction, myriad behavioral, mental health, physical health, speech, language, education, employment and learning disability issues, to name but some. Sadly, a majority of these litigants come from minorities: women, refugees, African Americans, Latinos and poor working class families. Even though Geoff is well placed in life and

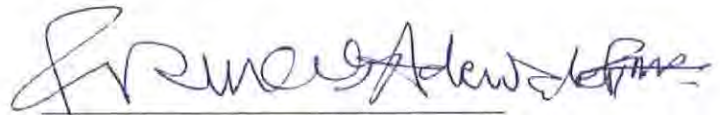
could have chosen to ignore these issues, he chose to focus his time, money and commitment to providing opportunities for everyone in our state to access justice.

I however also wish to emphasize his freedom from bias, particularly in his relationship and attitude to minorities, gender status, the poor and the disadvantaged. As president of the ATJ Board, Geoff frequently has had to deal with policy issues that cut across multiple jurisdictions in our state. He is always open to finding solutions both within and outside the I-5 corridor that will address problems in small rural communities as well as mid-size town and big cities in our state.

In this difficult and complex setting, where we struggle providing limited resources to many civil legal aid demands, my opinion is that Geoff's level of excellence and ability designate him as an experienced, fair and firm leader. I have seen Geoff take time out to mentor new board members like me and offer opportunities to us to provide input. He is always abreast on current and relevant legal thought with an inquisitive bend that ensures regard to the disparate cultures represented by the citizens that seek access to courts in Washington State.

Although I candidly admit that Geoff is my friend, I write more out of a sincere interest in seeing that the most qualified candidate available be selected to fill this vacancy. If Geoff is elected to this position, our bar association will experience the same high quality leadership which so many of us on the Access to Justice Board have experienced on his watch. Thank you.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Francis Adewale", with a horizontal line underneath it.

Francis Adewale
WSBA #30089


From: Bradley, Laura T. [<mailto:Laura.Bradley@biia.wa.gov>]
Sent: Monday, April 16, 2018 4:19 PM
To: Bar Leaders
Cc: Geoffrey Revelle
Subject: Upcoming Election

Dear Board of Governors of the WSBA –

I write in support of Geoff Revelle's application to be President-Elect. As you know, Geoff is currently chair of the Access to Justice Board and I am a member of that Board. Geoff is a strong leader, with good organizational and facilitation skills. He is well-versed in the issues that attorneys face having practiced for many years. He cares deeply about the bar, as an institution and how it serves the members. He has demonstrated the ability to handle difficult conversations by keeping the discussion moving forward in a productive and civil manner. Having observed some recent BoG meetings, I think that Geoff is the best choice for moving forward. Thank you for considering my input.

Sincerely,

Laura T Bradley
ATJ Board Member and Bar Member 26197

	<p>LAURA T. BRADLEY ASSISTANT CHIEF INDUSTRIAL APPEALS JUDGE PO Box 42401, Olympia, WA 98504-2401 (360) 753-6823 ext. 1239 laura.bradley@biia.wa.gov Pronouns she/her/hers</p>
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From: Wayne Blair <wayneblair@cedarhall.us>
Date: April 17, 2018 at 1:15:17 PM PDT
To: 'Geoffrey Revelle' <geoff.revelle@FisherBroyles.com>
Subject: RE: WSBA President-elect

You are welcome to forward this letter to whomever.

I have worked with Geoff Revelle many times over the years in his various roles with the KCBA and the WSBA. I have the utmost respect for his ability, commitment and integrity. He would make an excellent President of the Washington State Bar Association and I endorse him without any reservations. Go Geoff!

M. Wayne Blair



April 17, 2018

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

Re: President Elect Application of Geoffrey Revelle

Dear Board:

I write this letter in support of Geoffrey ("Geoff") Revelle's candidacy for the President-Elect position with the Washington Bar Association.

For the past 24 years I have served with Geoff on the boards of two related private foundations – the Pendleton and Elisabeth Miller Charitable Foundation and the Elisabeth Carey Miller Botanical Garden Trust. Currently, Geoff is the president of both boards, and I am the vice president of both. The son of the donor, who established these foundations, served as president of each until his death, whereupon Geoff was elected as president of each of them.

Geoff quickly addressed a number of matters that had developed because of the inattention of the former president. He dealt with personnel issues, and he led the board in updating policies and in altering composition and management of assets to assure a stable financial future. He accomplished these things by engaging all members of the boards and leading them to a consensus on each issue. Because of his style of leadership, he has gained the respect and confidence of all members of the board. In fact, I have not heard a single criticism of his leadership from any member of the boards.

Another quality I have appreciated through the years is Geoff's responsiveness. Things do not sit on his desk. When you send an e-mail or place a phone call, you can almost always expect a response that very day. He efficiently implements the actions of the board, and is great at keeping everyone informed about exactly what is happening. I have worked with non-profit organizations for over 40 years, as a Director of Planned Giving and Executive Director of Development at the University of Washington, and as principal of two consulting companies that

Frank Minton Consulting, LLC
16538 Beach Dr. N.E.
Lake Forest Park, WA 98155
Phone (W) 206-365-5154 (C) 206-669-9867
Email: FDMinton@gmail.com

I founded, and based on my experience with numerous charitable organizations, Geoff's leadership of the Miller entities is exemplary. I would expect his executive and mediation skills, as well as his good judgment, to serve the Washington State Bar Association well if he is chosen as President-Elect.

Sincerely,

Frank Minton

Frank Minton, Principal
Frank Minton Consulting, LLC
16538 Beach Drive N.E.
Lake Forest Park, WA 98155

From: Diana K. Carey [mailto:DCarey@karrtuttle.com]

Sent: Tuesday, April 17, 2018 11:45 AM

To: Bar Leaders

Subject: Endorsement of Geoff Revelle

I am writing to support Geoff Revelle who is applying to be President-Elect of the WSBA. I know that it is a critical time in the direction of the WSBA and believe Geoff will bring excellent leadership skills to the organization as it grapples with issues. I have known and worked with Geoff for years, beginning with serving together on the board of the King County Bar Foundation in the early 90s, which Geoff chaired at the time. He is a critical thinker, with great people skills. He would be an excellent addition to the Board of WSBA as President-Elect.

Regards,

Diana Carey

Former King County Bar Foundation President, KCBA Trustee, and President of CENTS
(Consumer Education and Training Services)

Diana K. Carey

Attorney at law | dcarey@karrtuttle.com | Office: 206.224.8066

Karr Tuttle Campbell | 701 Fifth Avenue, Suite 3300 | Seattle, WA 98104 | www.karrtuttle.com

April 17, 2018

Direct Phone (206) 447-8944
Direct Facsimile (206) 749-2135
E-Mail steve.fisher@foster.com

barleaders@wsba.org

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

RE: Candidate for President-Elect
Geoff Revelle

Dear Board of Governors:

I am writing to support Geoff Revelle for WSBA President-Elect.

I first met Geoff in 1979 when he agreed to act as my Rule 9 Supervising Attorney while I was a law school intern defending misdemeanors at the Eastside Defender's Association. The EDA didn't have enough senior lawyers to support all of their Rule 9s and Geoff graciously volunteered. After a year of weekly case-status meetings, Geoff offered me a job. I was his associate and partner for the next thirteen years until he became Executive Vice President, Chief Operating Officer and General Counsel at Attachmate Corporation.

As a young lawyer, Geoff encouraged me to be active in our local bar, the East King County Bar Association, where I served on the board and as President. My term at EKCBA overlapped Geoff's tenure as President and board member of the Seattle-King County Bar Association. Geoff and I both struggled with how to increase membership and we identified a reluctance among suburban lawyers to take advantage of dual bar dues unless "Seattle" was dropped from the Seattle-King County Bar. Geoff made that happen. Also during my presidency and with a lot of advice and counsel from Geoff, EKCBA launched the Eastside Legal Assistance Program (ELAP), which will celebrate its 30th anniversary next year.

Geoff has been my role model for being not only a great legal practitioner, but also a sophisticated business advisor. Geoff's breadth of experience as a prosecuting attorney, the head of our litigation practice, growing his three-lawyer law firm into the second largest in Bellevue, a C-Suite executive and GC of one of the largest software companies in the US (second only to Microsoft) made him a unique and highly sought-after lawyer. His knowledge of the law, his business acumen combined with his experience managing high stakes litigation, made him a fearless strategist and a formidable adversary. I recall a South Korean business client who praised Geoff for protecting his US business during multiple court proceedings brought against

him by Hyundai. The client was astounded that Geoff had taken on major chaebol and successfully defended his company for over five years.

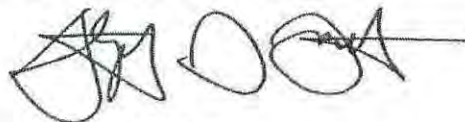
After we stopped practicing together, Geoff kept me engaged with the King County Bar Association and suggested me for various jobs to the Executive Director, Alice Paine. Alice asked me to Chair the KCBA Technology and the Law Committee and also represent the Bar on the Citizens for Regional Justice Centers Steering Committee. That Committee successfully managed the bond levy to geographically locate and fund the Regional Justice Center in Kent. Alice also asked me negotiate her hardware and software contracts in order to shepherd KCBA into the internet age and offer members online membership registration and renewal, committee sign-ups and the means to participate at meetings and seminars via streaming video.

Since meeting Geoff thirty-nine years ago, I don't remember a time when Geoff wasn't active in one bar association activity or another. If his career is marked by any one success, it is his unrelenting effort to make the legal profession more inclusive and the judicial system more available to those who can't afford it. We all have a variety of charities we support, but Geoff has maintained a laser-focus on supporting the legal profession and the judicial system with his time and money. I know he's extracted a lot out of my wallet over the years.

I can't recommend a more deserving candidate for the presidency of the Washington State Bar Association than Geoff. Please feel free to contact me to discuss any questions you may have.

Sincerely,

FOSTER PEPPER PLLC

A handwritten signature in black ink, appearing to read 'Stephen D. Fisher', with a long horizontal line extending to the right.

Stephen D. Fisher

cc: Mr. Geoffrey G. Revelle

Susan Colburn Nevler
14037 3rd Ave. NW
Seattle, WA 98177
suenevler@gmail.com 206.947.0511

April 17, 2018

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

Re: President-Elect Applicant Geoffrey G. Revelle

Dear Board,

I write to you with my strongest endorsement of Geoffrey Revelle as the President-Elect of the WSBA. I know Geoffrey through my role as a Trustee of both the Elisabeth Carey Miller Botanical Garden Trust and the Pendleton and Elisabeth Carey Miller Charitable Foundation. I have served on each board while Geoff has been the President of these boards after the deaths of the last remaining Miller family members.

I have been completely impressed seeing Geoff take the leadership of the two entities with precision, clarity of purpose, consideration of personnel, a keen awareness of pertinent and complex economic factors and an efficiency, directness and good humor that are disarmingly enjoyable. He gets the job done.

As first Executive Director of the E.B. Dunn Historic Garden Trust, a fellow garden in Seattle, and serving in positions of leadership in other local public gardens I recognize Geoff's great leadership qualities, and I truly admire Geoff's friendly demeanor, ability to hear all sides and efficacy in action.

I judge Geoff through the lens of a family of sea captains. My father was last American Master of the Woods Hole Oceanographic's flagship RV Atlantis. My brother, Master of WHOI's new RV Atlantis. I saw these captains balance the needs of sailing crew and scientists in a myriad of changing global maritime conditions with steady, balanced resolve, using skills to consider competing interests and with a clear eye on a successful result for all. They got the job done worldwide.

Geoff has these exact skills to use effectively as President-Elect of the WSBA. I know you will have made a choice of the finest kind with Geoffrey Revelle. I know he cares deeply about the issues that will come before him, and that he will work together with all to successfully achieve your mutual goals.

Courteously yours,

Susan Colburn Nevler

HerbCo International

16661 West Snoqualmie River Road NE
Duvall, WA 98019
(425) 788-7903
www.herbco.net; ted@herbco.net

April 18, 2018

APR 30 2018

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

Re: Endorsement and Letter of Support for Geoffrey Revelle Candidacy as
President Elect of Washington State Bar Association

Dear Board of Governors,

This letter is to support the application Geoff Revelle submitted for the position of President-Elect of the Washington State Bar Association.

My experience with Geoff stretches back 25 years, knowing him from three perspectives: 1) as a client, 2) as a fellow Board member, and 3) as a businessman. In all three ways, I am a great admirer.

Geoff provided various counsel to my business, being tough and strategic in a shareholder removal, being a calm and steady voice in dispute resolution, and being careful and thorough as he guided the company through a \$100m merger. Geoff's ability to provide the right counsel for the task at hand is extraordinary.

As a fellow member of the Executive Committee of the Miller Garden Trust and Foundation, with assets over \$25m, Geoff skillfully transitioned the entities from being family-managed to being professionally run, once somewhat casual and erratic, now efficient and lean.

In all these capacities, I have seen Geoff's clear understanding of how business should be conducted: crisp, effective, predictable. He understands that a business is people, people in the right position, with the right tools and support, and with clear expectations. In short, people given the best opportunity to succeed.

If I can provide further information, please feel free to contact me.

Sincerely,

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

Ted Andrews
President

From: Ralph Maimon [mailto:rmaimon@maimonlaw.com]
Sent: Wednesday, April 18, 2018 3:21 PM
To: Bar Leaders
Subject: Geoffrey Revelle President Elect

Dear Bar Leaders

I have known Geoff for many years, since our days in the King County Prosecutor's office, when we both practiced in Bellevue, when he was active in the Eastside Bar Association, when he headed a private company and in his return to law practice. We have also both served on the King County Bar Association, I as President of the Association and Geoff as an active member of the trustees and President of the Foundation. He is and has always been a person whom I hold in high esteem. I know Jeff to be a very intelligent, resourceful and diligent person, and therefore, a wonderful candidate for President Elect of the WSBA.

Ralph Maimon #5266
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Paul A. Bastine, Judge (Ret.)

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April 23, 2018

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

Re: Geoff Revelle

Dear Governors,

I am writing to you seeking your support for the election of Geoff Revelle to be President of the Washington State Bar Association. I have known Geoff for at least thirty years. During that time I have worked with him on various committees and boards of the bar association.

When I was on the Board of Governors, I observed him as liaison to the Board of Governors. In that role he provided continued and balanced information to the Board and on behalf of the organization he represented. He has also had the opportunity in his volunteer service to the Washington State Bar Association to become familiar with the functions and services it provides to the public and members of the legal profession. In that regard, he is uniquely qualified to be President as he has a big picture view of the operations of our organization—with regard to both the positives and the negatives.

I have observed Geoff in his various roles to be objective and a positive influence in resolving issues. He is a good listener and works in a collaborative manner to allow and participate in appropriate discussion of issues. To be totally candid, there have been some issues on which Geoff and I have not agreed, but I have always found him willing to listen, weigh the views of others and act in an appropriate manner.

Geoff Revelle would provide your Board and our Association with an opportunity to benefit from his years of experience working as a volunteer both within the bar and otherwise. He would come onto the Board with an unbiased perspective and promote positive leadership. I urge you to elect him to this important position.

Sincerely,

Paul A. Bastine

Paul A. Bastine

From: rgturner [<mailto:editurner@mac.com>]
Sent: Tuesday, April 24, 2018 9:57 PM
To: Bar Leaders
Subject: Reference for Geoffrey Revelle

Dear Board Members:

I am writing in support of Geoffrey G Revelle's application for the position of President-Elect for the Washington State Bar Association.

I have had the honor of working with Geoff for the past ten years, while we both served as trustees of the Elisabeth C Miller Botanical Garden Trust. From my very first meeting of the board, I was aware of the seriously dysfunctional nature of the board, with little agreement on issues of great importance to the Garden and its fiscal support. Sadly, the problems seemed to lie with the president of the board, who showed little genuine interest in the mission of the organization; as a result of his disinterest, problems were seldom resolved, endless discussions continued from meeting to meeting, finances declined, a dour sense of a foreboding future dominated the board, and the small staff of the Garden was left unsupported and poorly guided. Geoff, however, never missed a meeting and provided solid legal counsel to the board at every opportunity. A few years after I joined the board, Geoff became the vice-president of the board.

Upon the unfortunate death of the board president, in late 2016, Geoff acceded to the role of president of the board and has blossomed into a strong and spirited leader. In only eighteen months, Geoff has reorganized the board, strengthened the staff, and improved the finances in a most impressive manner. He genuinely believes in the mission of the organization, and has worked tirelessly to bring everything in line with best practices. Board meetings are now a pleasure to attend--well-organized, with clear objectives leading to healthy debates, strong resolutions, and effective action plans. The finances have been totally reworked in a manner that will generate fiscal support for the Garden and its programs for years to come. The disfunction that characterized the board ten years ago has been replaced by a positive, enthusiastic, collegial, and collaborative atmosphere.

All of these positive changes in the Miller Board of Trustees can be directly attributed to the dedication and organizational skills of Geoff Revelle. We are deeply indebted to him.

For most of my career, I have been involved as either staff or volunteer with various non-profit organizations in the world of public gardens and horticulture education, most of that in the San Francisco Bay Area. In each of those positions, I dealt with boards of directors or trustees. I retired in 2012 as editor of the highly regarded *Pacific Horticulture*, a garden magazine serving the West Coast gardener; I also served as the de facto executive director of the non-profit Pacific Horticulture Society, publisher of the magazine. I wish that each of the boards that I worked with had had someone of Geoff's caliber to guide us through the difficult times.

It is with great pleasure that I recommend Geoffrey G Revelle for the position of President-Elect of the Washington State Bar Association. If I can provide any further information on Geoff's qualifications, please feel free to contact me.

I wish the WSBA all the best.

Sincerely,

Richard G Turner Jr, editor emeritus
Pacific Horticulture

Board of Trustees, Elisabeth C Miller Botanical Garden Trust

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APR 30 2018

JOHN S. LANEY
D. 206.386.7559
john.laney@stoel.com

April 25, 2018

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

Re: Endorsement of Geoffrey G. Revelle for President-Elect

Ladies and Gentlemen:

I am writing to personally endorse Geoffrey G. Revelle with respect to his candidacy for the President-Elect position with the Washington State Bar Association. I have personally known Geoff for the last ten years and my practice includes working closely with Geoff, both under his supervision (as a summer associate and associate) and collaboratively (as either partner or co-counsel). I believe that Geoff, as President-Elect and later President of the WSBA, would leave lasting positive contributions to the WSBA and the members of our bar.

For background, I am a partner in the corporate group at Stoel Rives LLP. Currently, I am a director of the Filipino Lawyers of Washington and the Asian Bar Association of Washington. Previously, I have served as the Northwest Regional Governor of the National Filipino American Lawyers Association, President of the Asian Bar Association of Washington Student Scholarship Foundation and have been recognized as one of the 40 Under 40 by the Puget Sound Business Journal, as one of the Best Lawyers Under 40 by the National Asian Pacific American Bar Association, as a Rising Star by Superlawyers and as a Top Contributor to the Asian Community by NW Asian Weekly and the NW Asian Weekly Foundation.

Geoff has special skills in helping boards move in a positive direction under difficult circumstances. I have witnessed Geoff provide advice to our clients in these areas and I have seen Geoff act with ease as a member of various committees and boards to help those entities move forward. I believe Geoff is able to do this because he takes the time to understand the mission of the entity, the cultural background of the entity (and its members) and the legal framework for the appropriate governance.

Geoff deeply cares about diversity and access to justice issues. For example, Geoff has served in leadership in the King County Bar Foundation (which provides scholarships to law students of diverse backgrounds). Geoff was instrumental in providing support for a variety of diversity funding requests at Stoel Rives, and was often 1 of 2 Caucasian male partners who would attend diversity events with me. More importantly, Geoff showed interest in diversity issues and

WSBA Board of Governors

April 25, 2018

Page 2

challenged other partners within the firm to give serious consideration to these issues. Geoff was also in leadership of the Access to Justice Board and has given that organization considerable time and energy and Geoff regularly encouraged his colleagues to also support the Access to Justice Board's mission. I fully expect that Geoff will be a strong advocate for diversity and access to justice issue while serving in a President-Elect/President role at the WSBA.

Geoff is also able to connect with lawyers from across all types of practice settings. Geoff has experience as a solo practitioner, small firm lawyer, large firm lawyer, in-house counsel, prosecutor and public defender. I do not personally know any other lawyer with such a diverse background of practice experience.

I am hopeful that you will consider and elect Geoff as President-Elect. I am also happy to provide more background or have personal conversations with any member of the Board of Governors that would like more background on Geoff. Geoff has my unqualified endorsement in his candidacy for President-Elect.

Sincerely,



John S. Laney



Elisabeth Carey

**MILLER
BOTANICAL
GARDEN**



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www.millergarden.org



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April 27, 2018

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

Re: Geoffrey Revelle's President-Elect Application

Dear Board of Governors,

I am the director/curator of the Elisabeth C. Miller Botanical Garden Trust, where Mr. Revelle has served as a board member or board member representative since 1994 and as the president since 2016. The Miller Garden is a prominent small botanical garden in Shoreline and maintains a national and international profile as one of the best gardens in the country with an exceptional collection of rare and unusual plants combined with a strong horticultural community outreach program. I have worked with Mr. Revelle since I was hired at the garden in late 2000. His election to board president and my appointment as director/curator require us to work together closely to accomplish the mission of the garden.

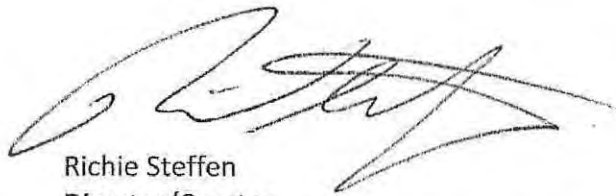
As president of the Miller Garden Trust, Mr. Revelle has used his long-standing associations and friendships with the Millers to manage their legacy as well as maintain and strengthen the financial standing of the organization. Under Mr. Revelle's guidance, the Miller Garden has established and implemented its first strategic plan focusing on the long term financial future and operations of the garden. During his tenure as president, the level of professionalism has been raised along with building better lines of communication and improving the working relationship between the Garden's staff and the board. Mr. Revelle has also been instrumental in formalizing the committee structure of the board allowing for better transparency and accountability. His hands-on approach to the garden staff and board has transformed the working environment into a supportive atmosphere from what was a somewhat dysfunctional one.

One of Mr. Revelle's first tasks as president was to resolve a persistent employee conflict and reestablish communication between staff members and board members. Through thoughtful dialog, instituting professional practices and consensus building these conflicts were resolved effectively and internally without affecting the reputation of the Miller Garden within the horticultural community.

Mr. Revelle also spearheaded efforts for major infrastructure improvements to the Miller Gardens buildings and grounds. He also proposed and led the effort to sell the timber properties owned by the Garden Trust and the related Miller Charitable Foundation. That resulted in increasing the asset base of the two entities by more than \$2,000,000, putting both in a much stronger financial position to carry out their missions.

I feel fortunate to work for such a fine organization under excellent leadership. I would hope that you would consider electing Mr. Revelle to the position of president-elect. In my experience, when Mr. Revelle makes a commitment, he is passionate in making the project or organization successful. If you would like further details or have questions, please feel free to contact me through the email or phone numbers below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richie Steffen', with a large, sweeping flourish extending from the end of the name.

Richie Steffen
Director/Curator
Elisabeth C. Miller Botanical Garden Trust
Office: 206-362-8612
Mobile: 253-508-0047
richies@millergarden.org



Evergreen Planned Giving, LLC

J. William (Bill) Zook, Jr.
Principal

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fax: 206.829.2401
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April 28, 2018

Sent solely as a PDF via e-mail to barleaders@wsba.org

Dear Ladies and Gentlemen:

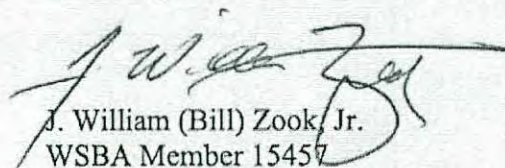
I am writing in support of Geoff Revelle's application to be appointed President-Elect of the Washington State Bar Association (WSBA). He would be an especially effective leader of the organization at this troubled juncture in its existence.

For the past year or so, I have been Manager of the Pendleton and Elisabeth Carey Miller Charitable Foundation and thus have worked closely with Geoff in his capacity President of the Foundation's governing board. I know Geoff to be someone who relates well to all sorts of people. He values – and conscientiously seeks to foster – inclusion among participants in a process. He also has a good sense of humor and is very skilled in bring clarity to a complex situation.

Apart from these "softer" traits, Geoff's long history of accomplishment as a practicing lawyer (including his current role with a virtual law firm) and his service to the legal profession make him extremely well qualified to lead the WSBA under any circumstances, but particularly under the current circumstances. As a member of the organization for over three decades, I am quite concerned about the present status of the Board of Governors (BOG), and Geoff would be well suited to guiding both the BOG and the WSBA as a whole to a more promising future.

I appreciate your consideration of this letter. If I can be of further assistance as you move forward with selecting a new President-Elect, please let me know.

Sincerely yours,



J. William (Bill) Zook, Jr.
WSBA Member 15457

April 29, 2018

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

Re: *Geoffrey Revelle's Application to serve as WSBA President-Elect*

Dear Board,

I write in support of Geoffrey Revelle's application to serve as President-Elect of the Washington State Bar Association. Geoff would bring to this position a deep commitment to WSBA's public service mission, proven leadership skills, and the fresh perspective of an informed outsider, i.e. a WSBA member who has worked closely with and on behalf of WSBA initiatives and committees, but not served on its Board of Governors. Geoff would serve with the enthusiasm, integrity and selfless dedication that he has brought to the many community and professional leadership roles reflected in his application materials, including his current role as Chair of the Access to Justice Board.

Like Geoff, I am a past trustee, officer and President of both the King County Bar Foundation (KCBF) and the King County Bar Association (KCBA). I've had the privilege of working with him to advance the mission of those two organizations for almost 13 years and have witnessed first-hand his commitment to the profession and the larger community that it serves. I've seen Geoff work effectively to bridge conflict, enabling groups with diverse interests to work collaboratively toward a shared goal and I am familiar with his engagement in and support of WSBA's statewide responsibilities to its members, our profession and the public.

I have not had the pleasure of working with Geoff on legal matters as our practice areas do not overlap, however I am familiar with his reputation as an exceptional lawyer in his field. My practice focus since obtaining my WSBA license in 1983 has been in civil litigation and health care-related matters. I have practiced in a variety of capacities, including working as an associate and partner in a mid-size downtown Seattle law firm, founding and managing a small boutique litigation firm, serving as an Assistant Attorney General and (currently) working in the School of Medicine at the University of Washington, where I handle a variety of transactional matters. My practice experience captures the civil practice experience of many of WSBA's members – small and large firm practice, government practice and in-house work. Without question, Geoff will work hard to understand and advance the unique interests of members in each of these practice settings – as well as the many other practice settings in which WSBA's diverse membership work. He will appreciate the challenges associated with practicing in different locations across the state, and he will foster collaborative approaches to problem solving as WSBA and the BOG seek to advance the interests of the membership, the profession and the public.

These are challenging times for the legal profession. WSBA needs a President who has Geoff's leadership experience, his passion for public service, his deep ties to the legal community in King County and across the state, and his integrity. I enthusiastically support Geoff's application and would be happy to answer questions should the Board need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn M. Battuello".

Kathryn M. Battuello
kmbattuello@gmail.com
(206) 618-0875

Ishbel Dickens

3306 E. John Street
Seattle WA 98112

April 29, 2018

Re: Support for Geoffrey Revelle's nomination for President-elect of the Washington State Bar Association.

Dear Board of Governors:

I am delighted to support Geoff's nomination for the position of President-elect of the WSBA.

I had the distinct pleasure of working closely with Geoff when I was Chair of the Access to Justice Board and was extremely pleased when Geoff was elected, by our fellow board members, to follow me in that leadership role. As you know, the Access to Justice (ATJ) Board deals with a wide variety of issues related to inequality, race equity, and diversity, to name a few.

The ATJ Board and its committees establish annual or bi-annual priorities at its yearly retreats and Geoff has always been a strong proponent of these issues, ensuring they remain central to the ATJ Board's mission.

Geoff is always prepared. No matter what the topic is or how complicated the issue might be, he is incredibly well-versed on all sides of the matter, has read and understood materials provided ahead of meetings and can "cut to the chase" to help facilitate a process that leads to a workable solution, while at the same time allowing sufficient, but not an inordinate amount of time for discussion. These are all valuable leadership qualities.

However, Geoff is more than simply an experienced and consummate leader. He also has a great sense of humor, and is charming and debonair.

Geoff has been involved in various levels of Bar work for many years. He is very well known in many circles. The relationships he has nurtured over the years can only stand him in good stead were he to be given the opportunity to assist in taking the WSBA to its next level of professionalism.

I urge you to give Geoff's nomination serious consideration. I would be more than happy to provide further testimony on his behalf should that be required. Geoff would make a fine President for the WSBA and you would certainly be serving the profession if you were to allow Geoff this leadership platform.

I wish you all the best with your decision-making process. I can be reached at: 206.851.6385 or via email at: ishbel_dickens@hotmail.com

Sincerely,



Ishbel Dickens

CC: Geoff Revelle

From: Ada Shen-Jaffe [mailto:shen-jaffe@outlook.com]

Sent: Sunday, April 29, 2018 8:38 AM

To: Bar Leaders

Subject: WSBA President-Elect Candidate Support Letter for ATJ Board Chair Geoff Revelle

Dear WSBA Selection Committee Members,

I am writing in support of the candidacy of Geoff Revelle for WSBA President-Elect. I am motivated to do so by his career-long dedication and commitment to the public good, and how he has seen this as an essential quid pro quo in return for the privilege of serving and working hard to make a good living in our learned and respected profession.

I have spent the entirety of my legal career, over 4 decades, in the service of justice for those communities most harmed by poverty and structural bias, and furthest from power to do anything about it. While the backbone of our state's equity and justice work has rested on the shoulders of the dedicated staff attorneys and their colleagues who make this their life's work, we would never have survived without the essential laboring oars of our professional colleagues who shoulder the responsibility for invaluable and essential pro bono efforts while working in private practice, corporate arenas, as in-house/general counsel, legal education, government service, as well as in WSBA leadership positions, whether as Governors or as Presidents/Presidents-Elect. Geoff Revelle has epitomized this kind of committed partnership throughout his career.

In fact, there have always been WSBA Presidents who have used their positional authority and the WSBA bully pulpit to promote core equity & justice values and a common vision that access to justice must be for everyone, and not just for those with means, and that access to justice should be a fundamental right, and not just an empty promise.

A long line of WSBA Presidents standing up for equity & justice for poor and marginalized communities has included Bill Gates, Sr., Jack Dean, Betty Bracelin, Jim VanderStoep, Lowell Halvorsen, Joe Delay, Steve Deforest, Paul Stritmatter, Ron Gould, Ed Shea, Tom Chambers, Mary Fairhurst, Wayne Blair, Dick Eymann, Jan Eric Peterson, Dale Carlisle, Duck Manning, Dave Savage, Ron Ward, Brooke Taylor, Ellen Dial, Stan Bastian, Mark Johnson, Sal Mungia, Michele Radosevich, Bill Hyslop and many of the Governors, all of whom stepped up to protect, defend and expand our state's equity & justice efforts---they became, and continue to be, pillars of our state's access to justice community, which has, in turn, become a national model emulated by many other states. Their leadership has given us the IOLTA Rule and the Legal Foundation that administers it, the Access to Justice Board & its conferences, the Campaign for Equal Justice (and its predecessor, Legal Aid for Washington Fund), the Endowment for Equal Justice, the Equal Justice Coalition, state funding for civil legal aid, administered by the Office of Civil Legal Aid, well-documented civil legal needs studies, and the statewide Pro Bono Council.

They achieved this by understanding bar leadership as including two-sides of the same "coin": Side A: applying the law, enforcing and protecting rights is the easy part. All of us understand this as essential parts of our role as law & justice professionals, and Side B: not so easy--this requires taking responsibility for ensuring that the law and justice systems are not themselves complicit in perpetuating structural racialization and other forms of structural bias that result in unfairness and injustice; bar leaders bear particular responsibility for ensuring that both "sides" of the coin are covered. As a bar leader, and now Chair of our state's Access to Justice Board, Geoff Revelle has demonstrated his understanding of the importance of both roles.

Finally, we are undergoing a uniquely challenging time in which lawyers and judges are being called on to serve as "first responders" in the protection of our core democratic values and in preservation of the rule of law. This requires the strength of character and purpose needed to repudiate the devaluing and dehumanization of any who can be "othered", to resist the rollbacks of losses and protections of the past 60+ years that have made our nation more humane and just, to realign our law & justice work so as to achieve WSBA solidarity in furtherance of our core values, and to lead us in renewal for sustainability through the long haul through the building of community support and cohesion. Geoff Revelle has devoted much of his energy to promoting workable unity, even in the face of differences and disagreement.

While I am not familiar with the other candidates, I would encourage you to consider the extent to which each of the candidates has a demonstrated commitment to the values and competencies I mention as part of your selection process.

Thank you for your attention. Please feel free to let me know if I can provide any additional information.

Sincerely,

Ada Shen-Jaffe

Race Equity & Leadership Consultant and Coach,
JustLead Washington's Senior Educational Consultant, and
Sargent Shriver National Poverty Law Center's Racial Justice Training Institute Advisory
Committee Member & Coach
Shen-Jaffe@outlook.com, 1-206-999-7203

Salvador A. Mungia
Direct: (253) 620-6472
E-mail: smungia@gth-law.com

April 30, 2018

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Ste. 500
Seattle, WA 98102-2539

RE: Geoffrey Revelle

Dear Board of Governors:

I am happy to support Geoff Revelle in the BOG's selection of WSBA's next president-elect. As someone who has held that position, I have my own opinions as to what makes an effective WSBA president. It is someone who shares the values of our association, someone who has a proven track record of leadership, someone who knows what role the president plays in the leadership of the WSBA. In my view, Geoff Revelle is the right person to take on these responsibilities.

I have known Geoff for many years as our paths crossed primarily involving Access to Justice issues. This past year and a half I have gotten to know Geoff even better ever since I joined the Access to Justice Board. Geoff has as one of his core values expanding access to the justice system for those who otherwise have been denied access. Geoff has demonstrated his ability to lead organizations. Geoff knows that the role of the president is to facilitate the BOG meetings and allow the Governors to reach decisions after a full debate on the issues.

Access to justice is one of the core values of the WSBA. There are no doubts that Geoff shares that value. People know of Geoff's public actions in being involved with, and leading, various entities whose mission is to provide access to the justice system. He has used his voice, and his leadership positions, to increase access to the justice system for those who otherwise cannot afford that access. In addition to all those public acts, Geoff has taken private action to expand access to justice that only a few know about. Geoff has used his personal resources to open the courthouse doors for so many people. Geoff just doesn't talk the talk, he walks the walk.

Geoff is a proven leader. His ability to lead has been recognized by a variety of organizations that have asked him to lead them, e.g., Chair, ATJ Board, Chair, King County

Reply to:
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1201 Pacific Ave., Suite 2100 (253) 620-6500
Tacoma, WA 98402 (253) 620-6565 (fax)

Seattle Office
600 University, Suite 2100 (206) 676-7500
Seattle, WA 98101 (206) 676-7575 (fax)

Gordon Thomas Honeywell LLP
April 30, 2018
Page 2

Bar Foundation Board of Trustees, President, and the East King County Bar Association. I've talked to Geoff about being WSBA president and the role of the president. He knows that the position is to further the Governors' wishes. He is committed to the goal of ensuring that the minority is heard and the majority is allowed to act. I am confident Geoff will work in a collaborative manner so that all voices, and all viewpoints, will be heard with respect.

Geoff will provide the steady leadership that the WSBA needs and that the WSBA deserves. He will not be bringing any hidden agendas with him; instead, his agendas are well-known and public – increase access to the justice system, support our members, and promote the public good. As someone who would be coming to the Board of Governors without serving on the BOG he will bring a fresh perspective. I served on the Board of Governors under a WSBA president who had not been a member of the BOG, Ellen Dial, and I will say that I never saw that her not having the BOG prior experience was ever a detriment to her serving as president. I am sure the same will be true for Geoff.

I enthusiastically lend my support to Geoff becoming the next WSBA president-elect.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Salvador A. Mungia', with a stylized, sweeping flourish.

Salvador A. Mungia

April 30, 2018

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

Re: Candidacy of Geoff Revelle for WSBA President-Elect

Dear Board of Governors:

This letter is in support of Geoff Revelle's candidacy for WSBA President Elect. I know Geoff through his longstanding public service work in the access to justice community. I have had the opportunity to work with Geoff in his role as an ATJ Board member over the past few years, particularly between 2012 and 2017 when I served as the Executive Director of Columbia Legal Services.

In his ATJ Board role, Geoff has always been thoughtful, engaged, and open-minded weighing the many aspects of the issue at hand. I appreciate his facilitation of complex and difficult conversations about service delivery issues. He is genuine in his interest to understand different perspectives. I respect his candor and direct approach in problem-solving. Most of all, I very much admire his lifetime commitment to public service. In this regard, Geoff's career and various roles in public service demonstrate that he is lawyer who makes our profession more respectable, ethical, compassionate, and fair. Geoff understands that his different leadership roles are often to serve as a bridge, and to do so with diplomacy and practical approaches to keep work moving. But the pragmatics of work are not what motivate Geoff, as you see from his list of community work and hear from his various supporters. The reason Geoff works so tirelessly is because he is a lawyer who understands the power of law to transform lives, and thus the need to be responsible about the power we wield as lawyers.

Much of my work in legal aid has been about that higher call to extend the reach of justice to all - no matter who you are, where you live, or whether you are deemed deserving. Geoff has been one of the most committed partners in the work for civil legal aid, and I have no doubt that WSBA would greatly benefit from his leadership.

Sincerely yours,



Aurora Martin, Founder
PopUpJustice

STEW COGAN

ARBITRATOR • MEDIATOR

U.S. BANK CENTRE

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SEATTLE, WASHINGTON 98101-4010

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STEW@COGANADR.COM

FAX
(206) 860-4825

April 30, 2018

VIA FIRST CLASS MAIL AND EMAIL

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

Re: *President-elect Application of Geoffrey G. Revelle*

Dear Governors:

I understand that Geoffrey G. Revelle has applied to be President-elect of the Washington State Bar Association. Geoff has my enthusiastic support.

I have known Geoff for something on the order of thirty years, both professionally and in connection with bar association activities in which he and I have engaged. Geoff is smart, knowledgeable, even-tempered, thoughtful, community-minded, and possessed of a whole host of other qualities that make him an ideal candidate for the position of President-elect of the Washington State Bar Association. As lawyers, we would be fortunate to have Geoff lead us.

Geoff and I have crossed paths many, many times over the past several decades. Both of us have been active in a variety of bar activities and, in fact, have served in many of the same positions. Both Geoff and I have served as a trustee and officer, including as president, of the King County Bar Association. Both Geoff and I have served as a trustee and officer, including as president, of the King County Bar Foundation. And both Geoff and I have served as members of, and chairs of, a variety of state and local standing and special committees and task forces. There are reasons why Geoff was selected to serve, and did serve, in those various capacities.

Geoff has also been recognized for his legal talents and experience. He was the recipient of the Outstanding Attorney Award of the King County Bar Association in 2014, and has been a member of the American Arbitration Association panel of

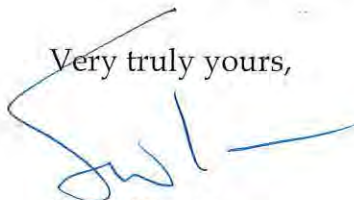
April 30, 2018
Page 2

arbitrators since 1991. His recognition as outstanding lawyer and his lengthy service as arbitrator further attest to his skills and experience as a lawyer.

Washington lawyers would be well-served with Geoff Revelle as state bar President. It is without hesitation that I urge his election as President-elect.

Please feel free to contact me should you have questions or want further information.

Very truly yours,



Stew Cogan

Daniel Gandara

2010 E. Lynn
Seattle, WA 98112

(206) 323-1467
Cell: (206) 794-2751

May 1, 2018

WSBA Board of Governors
barleaders@wsba.org

Re: Geoff Revelle
Nomination for Office of President Elect

Dear Board of Governors

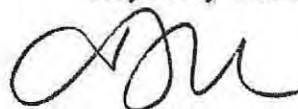
I enthusiastically encourage you to favorably consider Geoff Revelle as the next WSBA President Elect.

Geoff has a proven record as an effective Bar leader. A good example is his effort to increase and stabilize funding for the King County Bar Foundation's pro bono programs and minority scholarships. During his term as KCBA President (1988-92), Geoff lead the effort to reorganize the Foundation in a way that has led to dramatically increased funding for pro bono programs and minority scholarships. In the most recent fiscal year, the Foundation has contributed over \$1 million in support and scholarships.

This is just one of the many ways that Geoff has demonstrated his effective leadership. He is someone that can get things done.

Thank you for your consideration.

Very Truly Yours,



Daniel Gandara*

* Retired from the practice of law at Vandenberg, Johnson & Gandara (1-1-18).

From: Nancy L. Isserlis [mailto:nli@winstoncashatt.com]

Sent: Tuesday, May 01, 2018 10:30 AM

To: Bar Leaders

Subject: Letter of support for Geoffrey Revelle

Dear members of the Board of Governors,

I wholeheartedly support Geoff Revelle for President of the Washington State Bar Association. He has served our profession admirably and has volunteered on numerous boards and commissions to better our profession.

Please consider the voices from eastern Washington when making your choice.

Nancy Isserlis
Winston and Cashatt

Jill A. Karmy,
Attorney At Law

Jennifer Forster,
Legal Assistant
360-887-6910 (phone)
360-887-6913 (fax)



Physical Address:
2 South 56th Place, Suite 207
Ridgefield, WA 98642

Mailing Address:
PO Box 58
Ridgefield, WA 98642

May 1, 2018

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

Dear WSBA Govenors:

I am sending this letter of support for Geoff Revelle as the next WSBA President-Elect because his track record of legal service mirrors the mission of this organization: to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice.

As most of you are aware, I served on the WSBA Board of Governors from 2014-2017. I understand the unique responsibility each of you face as you determine your vote for the next WSBA President-Elect. I am also aware of the important and potentially contentious issues this Board will deliberate about and vote on in the coming months and years. Many of you have expressed concerns over prior Board decisions as well as the general method of conducting BOG business. Geoff is a smart choice for an open-minded, unbiased, and fresh leader for this organization. He was not involved directly in the prior Board decision regarding governance and was not either "for or against" certain ways of conducting business that this group may now wish to change. With tensions rising on some of these issues, Geoff's "outsider" perspective may prove extremely valuable.

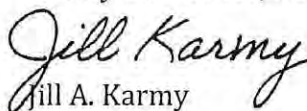
Although Geoff has not served as a WSBA Governor, he has diligently served this organization and the legal profession in a multitude of ways. I witnessed Geoff's thoughtful work with the Access to Justice Board (both within the ATJ and as a liaison to the BOG), WSBA Legislative Committee, and on various other WSBA matters while I was Governor. From those experiences, it is clear to me that Geoff is an independent thinker who has dedicated his life to the rule of law and access to justice for all. He did not shy away from the difficult conversations surrounding potential changes to the WSBA Legislative Committee a few years back. Despite forming his own opinions on how the Legislative Committee should operate, he didn't resign or jump ship when the BOG ultimately voted on a path that didn't incorporate every aspect of his preference. Rather, he continued to work to make the committee a more efficient, valuable, and cost-effective arm of the WSBA.

As you all know by now, Geoff is well-respected in Washington's legal community. As you embark on changes within this organization, it will serve you and the WSBA to elect a leader with such built-in credibility. His proven track record as a successful trustee and leader on various law-related and non-law-related boards highlights his vast experience with governance issues. This depth of knowledge on key issues of governance and conflict resolution are vital to the issues facing WSBA.

I hope you will strongly consider Geoff for the position of WSBA President-Elect. As a member of the WSBA, I would be proud to see him lead this organization.

Very Truly Yours,

Karmy Law Office, PLLC


Jill A. Karmy

From: Kirsten Barron [mailto:kbarron@barronsmithlaw.com]
Sent: Tuesday, May 01, 2018 11:04 PM
To: Bar Leaders
Subject: Support for Geoff Revelle - Candidate for BOG President

I am writing to support the candidacy of Geoff Revelle.

I have a long relationship with Geoff – though my volunteer work and my law practice.

I am in private practice in Bellingham, Washington – primarily in business and employment law. I have served on several WSBA committees and been involved for many years in access to justice – serving on the Access to Justice Board and Law Advocates, the Whatcom County VLP.

I first met Geoff when I was the Chair of the Access to Justice Board. He was a member of the Board, and now serves as its Chair. He has worked on and understands all aspects of the work of the ATJ Board – and is deeply committed to ensuring access to justice. Geoff is no longer working full time and has devoted what I consider full time efforts to the Access to Justice Board and ensuring all people in Washington can access our legal system. His dedication to access to justice is clear.

Geoff is also committed to our profession and it seems to me he is always involved in something happening at WSBA. Geoff's commitment to the profession has spanned the entirety of his career. This tells you a lot about who he is and what he values.

Geoff brings a unique experience in that he has practiced in a small firm, in a large firm, in a virtual firm and in an in-house counsel role. I have worked with Geoff on a number of cases and his professionalism and capabilities are exceptional. Geoff is uniquely suited to understand the perspectives of many of WSBA's members.

Dedication, values and commitment are important, but Geoff is also tremendously effective. He is decisive, direct, clear and no nonsense. He understands and can navigate complex issues in the context of a large group meeting. He gets things done – moves work forward and he does not get ruffled or burn bridges. He is able to hear and incorporate the opinions of others and is an excellent collaborator.

Geoff is committed to justice and the profession and he is an extremely effective leader – WSBA would be well served by his presidency.

Kirsten Barron, Esq.
Barron Smith Daugert PLLC
300 N. Commercial
P.O. Box 5008
Bellingham, WA 98225
kbarron@barronsmithlaw.com
tel 360-733-0212
fax 360-738-2341

From: Colleen Kinerk [mailto:colleen@kirklandlaw.com]

Sent: Thursday, May 3, 2018 5:44 PM

To: Bar Leaders <BarLeaders@wsba.org>; Colleen Kinerk <ckinerk@cablelang.com>

Subject: Subject: Letter of Support for the candidacy of Geoff Revelle for President of WSBA

Dear Bar Leaders,

Thank you in advance for your consideration of this letter supporting the candidacy of Geoff Revelle for selection as President of the Washington State Bar Association. A vibrant and engaged State Bar Association is critical to the professional well being of the attorneys in our state because of WSBA's mandatory regulatory functions, but for many other reasons as well. The Bar protects the interests of clients and the public; it helps form and support new lawyers; it leads the way on crucial endeavors like diversity and inclusion; it actively and effectively promotes access to justice and the Rule of Law.

Members of the association are aware of the recent turmoil on the Board of Governors though the vast majority (myself included) are not privy to the underlying reasons or the specifics. What is clear to the outsiders (myself included) is the need for a wise and dedicated Leader who possesses vision for the organization; the demonstrated skills to lead in a collaborative manner; the ability to listen respectfully and to be open to differing viewpoints ; the willingness to creatively and cooperatively help achieve consensus even in the face of controversy.

I have known Geoff Revelle for decades and seen him in action throughout that time frame. We worked closely together on the King County Bar Foundation and the Access to Justice Planning Conference Committee. Those experiences in the trenches allowed me to get to know Geoff in ways that leave me confident in describing the qualities I have cited. Geoff has built a reputation for excellence, integrity and hard work among lawyers and Judges. If he is selected, he will never let you down. Rather, he will work tirelessly to repair strained bonds and to create an environment where the Board members can turn their talents and attention to the successful achievement of WSBA's mission.

Respectfully,
Colleen Kinerk

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 2, 2018
RE: Election of 2018-2021 At-Large (New & Young Lawyers) Governor

ACTION: Elect **Russell Knight** or **Zishan Lokhandwala** to the 2017-2020 At-Large (New & Young Lawyers) Governor seat on the Board of Governors, for a three-year term, to start at the conclusion of the Board meeting on September 28, 2018.

Attached please find a cover memo from the Washington Young Lawyer Committee, the timeline and processes, applications, and letters of support for the 2018-2021 At-Large (New & Young Lawyers) Governor candidates, listed in order of appearance, which was determined by random drawing:

1. Zishan Lokhandwala
2. Russell Knight

Enclosures

WASHINGTON STATE BAR ASSOCIATION

To: President, President-elect, Immediate Past-President, Executive Director, and Governors

From: Washington Young Lawyer Committee

Re: Election of 2018 – 2021 At-Large Governor (New & Young Lawyers)

Date: May 2, 2018

ACTION: Elect **Russell Knight** or **Zishan Lokhandwala** to the 2018-2021 Board of Governor At-Large (New & Young Lawyers) seat.

The Washington Young Lawyers Committee (WYLC), pursuant to Section VI(D)(1)(b) of the WSBA Bylaws, nominates two attorneys to be considered for election to the Board of Governors for the 2018 – 2021 term.

Only three applications for the position were received by the WYLC, all of which were reviewed by the WYLC Nomination Team. At the April 24, 2018 meeting, the WYLC Nomination Team agreed to nominate the following two candidates (listed in alphabetical order):

Russell Knight
Zishan Lokhandwala

WSBA No. 40614
WSBA No. 53260

Enclosed please find timeline and process, applications, and letters of support for the 2018-2021 At-Large (New & Young Lawyers) Governor candidates.

Enclosures

WASHINGTON STATE BAR ASSOCIATION

WSBA Board of Governors At-Large: Timeline and Process

The Washington Young Lawyers Committee (WYLC) per the WSBA Bylaws (Section D. 1. b.) will nominate a minimum of two candidates for consideration to be appointed by the Board of Governors. Below outlines the timeline and process to nominate candidates for the Board of Governors to appoint.

Position: At-Large (Young Lawyers) | **Term:** Oct. 1, 2018 – September 30, 2021

WHEN	WHAT	WHERE	NOTES
January 2 nd	Application Opens and Outreach	MyWSBA	Communications Department leads this effort
January 20 th	WYLC Meeting	Seattle	Determine Nomination Team and criteria for assessing qualified candidates
April 20 th	Applicant materials due to WSBA.	Online	
April 23 rd	Initial review of materials by WSBA staff. Materials sent to Nomination Team.	Email	Specialist will assemble materials and verify candidates are eligible and will send out to Nomination Team.
April 24 th	WYLC Nomination Team meets via zoom to select finalists.	Via phone/Zoom	
May 2 nd	May BOG Meeting Materials Deadline		All at-large nomination materials must be submitted.
May 17-18	May BOG Meeting	Seattle	BOG interviews and appoints At-Large

2018 At-Large BOG member review and nomination process

Nomination Team - Responsibilities

1. Washington Young Lawyer Committee members volunteer for a BOG Nomination Team and determine criteria for assessing qualified applicants.
2. WSBA staff will email all materials to subcommittee on April 23rd for review.
3. The Nomination Team will meet via phone with Zoom, to identify qualified applicants to move forward for a BOG interview. Nomination Team will advance a minimum of 2 candidates. Staff will email full committee after the Nomination Team selects the candidates.
4. Nominees will be announced immediately. No preference between nominees will be shared with the BOG. A memo with the final nominee's application materials will be submitted for consideration to the BOG.
5. WSBA staff will contact all other candidates and notify them of their application status.

Criteria for Board of Governors At-Large Young Lawyer

Criteria	Always (3)	Often (2)	Seldom (1)	None (0)
Understands the various issues facing New and Young Lawyers				
Works toward promoting diversity in the legal profession				
Shows initiative, leadership, and responsibility				
Engages with the legal community				
Establishes collaborative relationships				
Experience with other volunteer leadership roles				
Understands WSBA Mission and the role of the Bar				

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Nomination Form At-Large Position: New and Young Lawyers

INSTRUCTIONS

- 1) Complete this nomination form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Friday, April 20, 2018.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

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

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

Zishan Lokhandwala

Name of candidate

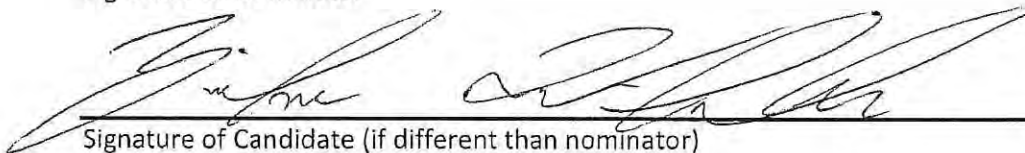
for the office of At-Large Governor (New and Young Lawyers). (You may nominate yourself.)



21364

Signature of Nominator

WSBA Bar #



53260

Signature of Candidate (if different than nominator)

WSBA Bar #

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

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2018. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

ROMAINE LOKHANDWALA
LAW GROUP, LLP

P.O. Box 2059
Hanford, California 93232

(559) 582 9360 Telephone
(559) 582 9350 Telecopier

801 2nd Avenue, #800
Seattle, Washington 98104

(206) 489 5590 Telephone
(206) 489 5501 Telecopier

My name is Zishan Lokhandwala. I received a B.A. in Political Science from U.C.L.A. in 2012, a J.D. from U.C. Berkeley, School of Law in 2016, and became a proud member of the Washington State Bar Association in the beginning of 2018. I am the Washington State Partner of Romaine Lokhandwala Law Group. I proudly serve civil rights and access organizations such as CAIR Washington, the NAACP, Food Not Bombs, Hunger Free America and SPOT, whenever possible. I am passionate about assisting my professional network and increasing access to legal assistance in my communities.

Truly Yours,



Zishan Lokhandwala, Esq,

WSBA #53260

Short Statement - At Large Governor (New and Young Lawyers) Program 1

William A. Romaine
State Bar of California # 126966
Washington State Bar Association # 21364

Zishan Lokhandwala
Washington State Bar Association #53260

ROMAINE LOKHANDWALA
LAW GROUP, LLP

P.O. Box 2059
Hanford, California 93232

(559) 582 9360 Telephone
(559) 582 9350 Telecopier

801 2nd Avenue, #806
Seattle, Washington 98104

(206) 489 5590 Telephone
(206) 489 5501 Telecopier

My name is Zishan Lokhandwala, and I would like to apply for the office of At-Large Governor (New and Young Lawyers) Program. I am a young attorney who was very honored to receive his Washington State Bar License at the beginning of 2018.

I am honored and privileged to be in a partnership, *Romaine Lokhandwala Law Group*, with an older, wiser and very experienced attorney of 30+ years practice in civil rights litigation. I watch, study, and will soon be able to replicate what my partner does. I am further privileged to be connected with another modestly experienced but highly ambitious and intelligent attorney (who has practiced in Mexico for 4 years and specializes in immigration), who will be joining our firm later this year. From working closely with, and having to mold myself to happily and confidently co-practice with these individuals in a mutually-beneficial manner, I believe I am well bred to appreciate how 'the practice of Law' is supposed to serve multiple generations of practicing attorneys; I believe that I have a unique ability--one which I would love to impart upon newer attorneys--to meld with both younger, lesser-experienced attorneys, and older, more-experienced attorneys. At this stage in the legal profession—where we have (or will soon have) *four generations* of practicing attorneys working side by side—this skill set would instrumentally benefit our Profession and State Bar Association.

Letter of Interest - At Large Governor (New and Young Lawyers) Program 1

William A. Romaine
State Bar of California # 126966
Washington State Bar Association # 21364

Zishan Lokhandwala
Washington State Bar Association #53260

In the State of Washington, there are a good deal of attorneys from each of these four generational groups who has their own respective talents, abilities, skill sets and specialities. It is imperative that a steward of our legal community extend himself or herself to their peers. This not only enables the attorney to better learn the law for themselves, but also, to better extend access to legal services in their neighborhoods, to competently serve their community and the Profession. I am a proud steward of the Washington legal profession; if selected, I would pledge to do this to the best of my abilities. I would keep apprised of my peers' professional interests, and would personally reach out to any young (or old) attorneys that I felt could benefit from (and happily receive) my advice.

I have a passion for Pro-Bono service (particularly in the Civil Rights and Access fields). From this, I have developed a modest professional network, and I would be honored to link newer attorneys up to one or more of these social nodes. For example, as an attorney with Romaine Lokhandwala Law Group, I have been privileged to work with the Council on American Islamic Relations (CAIR) Washington. I also serve as Executive Director of the Public Right of Way (PROW) access monitoring nonprofit called Safe Paths of Travel (SPOT), where I regularly speak at advocacy organizations such as Lighthouse For the Blind, as well as private meetups with e-bike manufacturer groups in the hopes of promoting harmony between competing and vulnerable Public Right of Way users, such as bicyclists and People With Disabilities. I am on the Executive Board of my hometown's chapter of the NAACP, as well as Food Justice organizations such as Food Not Bombs Global and Hunger Free America.

Letter of Interest - At Large Governor (New and Young Lawyers) Program 2

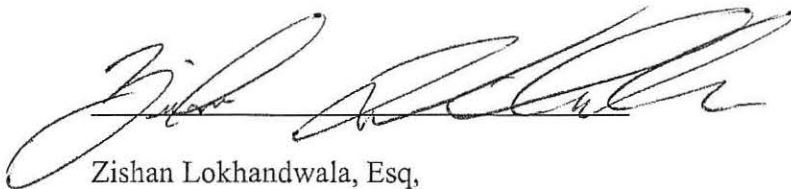
William A. Romaine
State Bar of California # 126966
Washington State Bar Association # 21364

Zishan Lokhandwala
Washington State Bar Association #53260

I also maintain a strong connection to the Berkeley Law School Alumni Network (where I maintain further connections to the Men of Color Alliance, the South Asian Law Students Association, and the First Generation Professionals Network), UCLA Law School Alumni Network, and the UCLA Undergraduate Alumni Network. I just recently became a member of the Federal Bar Association for the Western District of Washington. I hope to use my professional network to encourage my peers and assist the Washington State Bar Association.

I want to serve as a positive influence to my Profession and peers. My personal satisfaction in success ultimately stems from how I am able to benefit my neighborhood, community, and peers. I truly do hope to one day soon prove to the Washington State Bar Association, as well as my mentors, partners, and peers, that our legal profession is better with me in it. So again, I humbly ask that you consider my application for the office of At-Large Governor New and Young Lawyers' Program.

Truly Yours,

A handwritten signature in black ink, appearing to read 'Zishan Lokhandwala', with a stylized, flowing script.

Zishan Lokhandwala, Esq,

WSBA #53260

Letter of Interest - At Large Governor (New and Young Lawyers) Program 3

William A. Romaine
State Bar of California # 126966
Washington State Bar Association # 21364

Zishan Lokhandwala
Washington State Bar Association #53260

ZISHAN LOKHANDWALA

523 Broadway E #308 Seattle WA 98102 | (559) 380-7428 | zl@lawromaine.com

EDUCATION

UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW | Berkeley, CA

Juris Doctor, 2016

Honors: Hon. Edward Dean Price Memorial Scholar
Nancy & Edwin Fineman Award for Community Enterprise & Development
Prosser Award [*Top 2 in Class*] – Insurance Law (2014)
Berkeley Journal of Criminal Law, Associate Editor (2015)

Activities: Local Economies & Enterprise Legal Services Program, Co-Director
California Water Law Symposium (2015), Co-Chairperson
Berkeley Law Post Ferguson Working Group - Virtual Center Subcommittee
Southeast Asian Law Students Association, Co-Director
Men of Color Alliance, Co-Director
Ecology Law Quarterly
Start-up & Business Law Workshop
Veterans' Law Workshop

UNIVERSITY OF CALIFORNIA, LOS ANGELES | Los Angeles, CA

B.A., *summa cum laude* in Political Science, 2012

Honors: Phi Beta Kappa (*1 of 5 top students elected in Junior Year*)
Juliette S. Ravise Prize for Academic Excellence
Deloitte Undergraduate Campus-wide Business Consulting Competition, First Runner-Up
Senior Thesis: "Facebook and the Arab Spring: Closing the Gap Between East and West"
Activities: Zeta Phi Rho Fraternity, Philanthropy Chair
NEST Anti-Sex Trafficking Foundation, Grant Writer
UCLA Men's Rowing

CURRENT EMPLOYMENT

ROMAINE LOKHANDWALA LAW GROUP, LLP | Seattle, WA

Attorney, Partner

Jan. 2018-Present

PAST EMPLOYMENT & LEGAL EXPERIENCE

SGT. INS. / DIR. SFMTA SAFE PATHS OF TRAVEL PROGRAM (Ret'd) PATRICK J. TOBIN | San Francisco, CA

Executive Assistant

Jul. 2015-Present

LAW OFFICES OF RUSSEL A. ROBINSON | San Francisco, CA

Law Clerk

Aug – Dec. 2015

LAW OFFICES OF BRIANNE ULLMAN [PLAINTIFF-SIDE] | Oakland, CA

Law Clerk

Jul.-Aug. 2015

FEDERAL PUBLIC DEFENDERS OFFICE- N. DISTRICT OF CALIFORNIA | Oakland, CA

Law Clerk (Summer 2L Full Time)

May-Jun. 2015

PETTY OFFENSES & MISDEMEANORS CALENDAR- N. DISTRICT OF CALIFORNIA | San Francisco, CA

Law Clerk (Summer 2L Part Time)

May-Jun. 2015

FEDERAL PUBLIC DEFENDERS OFFICE - DISTRICT OF MINNESOTA | Minneapolis, MN

Law Clerk (Summer 1L Full Time)

May –Aug. 2014

Assisted in one case tried before the U.S. Supreme Court concerning nuances in state criminal possession statutes.

LAW OFFICES OF WILLIAM A. ROMAINE | Hanford, CA

Intern (Pre-Law)

2012-2013

GUBLER, KOCH, DEGN & GOMEZ LLP | Visalia, CA

Intern (Pre-Law)

2010- 2011

LEGAL ACADEMIA

PROF. ERIC BIBER, U.C. BERKELEY DEPARTMENT OF ENVIRONMENTAL LAW | Berkeley, CA
Legal Research Assistant

May-Jun. 2015

PROF. TY ALPER, U.C. BERKELEY DEPARTMENT OF CRIMINAL LAW | Berkeley, CA
Legal Research Assistant

Aug. 2014-Jan. 2015

PUBLIC BENEFIT

SAFE PATHS OF TRAVEL PROGRAM (501c(3)) |

Executive Director since 2016

Visit: <http://safepathsoftravel.org/>

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE - KINGS COUNTY (NAACP) |

Community Economic Development Coordinator since 2017

HUNGER FREE AMERICA, CA (501c(3)) |

Board Member since 2016

FOOD NOT BOMBS (GLOBAL) (U.A.) |

Global Advisory Board Member since 2016

Visit: http://foodnotbombs.net/new_site/webcollective.php

FOODIY COALITION FOR PARKWAY GARDENING |

Founder, Executive Director since 2013

Visit: foody.org

BERKELEY EMERSON INITIATIVE FOOD DONATION "Laws Explained" PROGRAM | Berkeley, CA

Founder, Executive Director since 2015

UNITED WAY – KINGS COUNTY CHAPTER |

Board Member 2016-2018

KEY CONTRIBUTIONS – EDUCATION

Constructed portions of instructional systems design lesson plans/courses for PROWAG Inc. related to traffic safety, with a focus on rapidly unfolding events occurring in temporary traffic control ("TTC") situations. Designed protocol for teaching decision making skill-sets for rapidly unfolding events using OODA-Loop ("observe-orientate-decide-act") method for various audiences (e.g. risk managers for municipalities & contractors, bicyclists, emergency responders, people with disabilities ("P.W.D.S"), elderly, employees in the public right of way) with special emphasis on federal, state, and local civil rights and safety laws. Organized real-time interactions between contractors, consultants, and government agency representatives with various subject matter experts (SMEs) nationwide. Performed assessments of encroachments for regulatory compliance regarding accessibility for P.W.D.S. on large university campuses. Attended and condensed notes from Caltrans' Strategic Highway Safety Plans ("SHSP") for various Challenge Area committee meetings for Safe Paths of Travel non-profit Board Members. Organized 10-day site-study trip in Japan for PROWAG, Inc. and coordinated meetings with Japanese police officers and local government officials. Performed teach-ins for audiences of ~5-20 people on various topics on behalf of the Sustainable Economics Law Center at U.C. Berkeley. Teach law students on how to explain Bill Emerson Good Samaritan Food Donation Act to callers. Conduct legal rights awareness seminars for the NAACP, as well as my church (Jamaat).

Languages: English (**Fluent**), Spanish (**Intermediate**), Urdu (**Basic**)

Professional Interests: Immigration, Civil Rights, Community Development & Planning, Pro-Bono Food/Land Access Work

Professional Networks: Council on American Islamic Relations (CAIR) Washington, Safe Paths of Travel (SPOT) Public-Right-of-Way Access Nonprofit, NAACP, Hunger Free America, Food Not Bombs Global, Berkeley Law School Alumni Network, UCLA Law School Alumni Network, UCLA Undergraduate Alumni Network

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Nomination Form At-Large Position: New and Young Lawyers

INSTRUCTIONS

- 1) Complete this nomination form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Friday, April 20, 2018.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

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

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

Russell Knight
Name of candidate

for the office of At-Large Governor (New and Young Lawyers). (You may nominate yourself.)

[Signature] 45365
Signature of Nominator WSBA Bar #

[Signature] 40614
Signature of Candidate (if different than nominator) WSBA Bar #

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

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 20, 2018. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Russell A. Knight biographical statement

Russell A. Knight is a shareholder with the law firm of Smith Alling, P.S., in Tacoma, WA. His practice focuses on litigation of business, employment and real estate disputes. He also advises clients on the formation and structure of business entities.

In service to new and young lawyers, Russell has served as the Pierce County representative to the Washington Young Lawyers Committee, as well as the President of the Young Lawyers Section of the Tacoma-Pierce County Bar Association. He is a Barrister member of the Robert J. Bryan American Inns of Court and serves on the Executive Committee.

SMITH | ALLING^{PS}
ATTORNEYS AT LAW

1501 Dock Street, Tacoma, WA 98402
Tel: (253) 627-1091 | Fax: (253) 627-0123
www.smithalling.com

Russell A. Knight
rknight@smithalling.com

April 20, 2018

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

Re: Application for At-large Governor Representing New & Young Lawyers

Dear Board of Governors:

As the landscape of our profession continues to change, it is important for our bar leadership to have a balanced perspective of how to continue to serve our members and the public.

Having served on the Washington Young Lawyers Committee ("WYLC") for five years, I believe I have an important perspective which will allow me to serve the Board of Governors, New & Young Lawyers, and the public. Serving on the WYLC has increased my awareness of the increasing cost of the access to justice, as well as the ways the market has shifted as a result. With a duty to serve both our members and the public, it is imperative that we are aware of the legal market as a whole in order to assist our members compete in the market and serve their clients.

As President of the Tacoma-Pierce County Bar Association Young Lawyers Section, I also have experience leading a legal organization which will assist me in serving as a board member of the Board of Governors.

I believe my experience and perspective will assist the Board of Governors in serving our members and the public, and I look forward to the opportunity to working with each of you.

Thank you for your consideration.

Sincerely,



Russell A. Knight

Russell A. Knight

1501 Dock Street

Tacoma, WA 98402

Office (253) 627-1091

Cell (253) 326-6437

Email rknight@smithalling.com

EMPLOYMENT

- 2008 - Present **Smith Alling, P.S.**
Tacoma, WA
Shareholder, 2013-Present
Associate, 2008-2012
- Civil litigation practice focusing on the litigation of business, employment and real property disputes.

CIVIC INVOLVEMENT AND LEADERSHIP

- 2009-Present **Robert J. Bryan American Inns of Court**
Secretary, 2017
- Served as a board member assisting with the promotion of civility and professionalism in the practice of law.
- 2012-2017 **Washington Young Lawyers Committee**
Committee member representing Pierce County
- Assisted the committee organizing outreach events to assist new and young lawyers establish successful practices.
 - Served as a liaison between the WSBA and Pierce County young lawyers to aid in communication between the WSBA and its membership.
- 2009-2014 **Tacoma-Pierce County Bar Association, Young Lawyers Section**
President, 2014
Treasurer, 2009 -2012
- Organized events to assist new and young lawyers establish successful practices.
 - Served as a voting member and Trustee to the Tacoma-Pierce County Bar Association assisting with the implementation of policies for the benefit of the public and our members.

EDUCATION

- 2008 **J.D., Gonzaga University School of Law**
- Member of the Gonzaga University Moot Court Honors Council.
 - Chapter President, Phi Delta Phi professional legal fraternity. 2006-2007.
- 2005 **B.A., University of Puget Sound**
Major: Politics and Government, Minor: Business Administration
- Best Senior Thesis Award, Department of Politics and Government.

REPRESENTATIVE MATTERS

Business Disputes

- Represented an investor in a securities fraud case against an apartment complex developer who misrepresented investment. **Obtained a judgment of over \$4 million following a jury trial.**
- Represented an LLC member in a case against the manager for misrepresentations in connection with a hotel investment. **Negotiated a \$1.9 million settlement.**
- Represented an owner of bicycle stores in defending an action brought by the buyer of the business who alleged misrepresentation in the sale. **Obtained dismissal on summary judgment.**
- Defended owners of Seattle hookah lounges in an action alleging a violation of the Smoking in Public Places Act. **Negotiated a settlement imposing rules and procedures that allowed the business to stay open.**
- Obtained numerous arbitration awards and judgments in favor of contractors in actions for breach of contract for non-payment.

Employment

- Represented an executive of a large health care organization. **Negotiated a \$330,000 settlement in connection with employment separation.**
- Represented an employee of a large seafood distributor in an action for wrongful termination after reporting harassment. **Negotiated a \$110,000 settlement.**
- Represented an employee of a sandwich shop in an action for non-payment of wages for failure to allow required breaks. **Obtained a confidential settlement.**

Real Property

- As appellate counsel, represented a concrete supplier in an action to enforce a claim of lien. **Obtained reversal of trial court in a published decision that created new law in Washington in the construction lien context.** CalPortland Co. v. LevelOne Concrete LLC, 180 Wash. App. 379, 321 P.3d 1261 (2014).
- Represented a homeowner who lost his home in an equity skimming scheme. **Obtained an arbitration award in favor of homeowner rescinding truncation.**
- Represented the Public Utility Commission of Oregon in an action to enforce foreign judgment through foreclosure of Washington real property. **Obtained full payment on the judgment.**
- Obtained numerous arbitration awards and judgments in favor of homeowners for defective or uncompleted work performed on their homes.

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

Andrea J. Marquez
1217 St. Andrews Ct.
Puyallup, WA 98372
(253) 686-0720

Sent via email to: Margarets@wsba.org

Re: Letter of Recommendation in Support of Russell A. Knight for WSBA Board of Governors

Ms. Shane:

It is with great pleasure that I write this letter of recommendation in support of Russell Knight's candidacy for WSBA Board of Governors At-Large position representing the New and Young Lawyers. I have known Russell professionally for five years, having first met him when he was the President of the Tacoma/Pierce County Young Lawyers Association.

I spent my first year of practice, 2012, in Seattle. Regrettably, I was not involved in any Young Lawyer group. When I changed law firms, and moved down to Pierce County, I was determined to become involved. At my first meeting, Russell welcomed me (and all other new members) wholeheartedly. He was more than just the President of the YL Board – he voluntarily took on the role of mentor to us all, and was always willing to share his experience and networking circles with every member. He made sure we knew we could consult him with any questions, and his outstanding leadership encouraged the group to grow organically. I was voted onto the YL Board the year after Russell's presidency term expired, and I am the incoming President for the 2018 year. Even after Russell's term expired, he remained heavily involved in the group – attending monthly Board meetings, and assisting in the many events organized by the YL Association - his institutional knowledge and support at all of the group's events was instrumental in maintaining a smooth transition to the new president and beyond. That's the thing about Russell: he always made it apparent that he sincerely cared about the success of the group, and never turned down any opportunity to help or stay involved.

Russell is a natural leader: inclusive, knowledgeable, understanding, and experienced. He is also a fantastic attorney: I have had the pleasure of working against him on real estate litigation matters, and he always proved himself to be professional, reliable, and knowledgeable. His addition to the WSBA's Board of Governors would undoubtedly make the WSBA a stronger organization. If his years with the Tacoma/Pierce County Young Lawyer's Association are any indication, Russell will represent the Bar with pride and loyalty. I simply could not recommend him enough for this position.

I am more than willing to discuss Russell's candidacy, and my experience with Russell, further – should you have any questions, please do not hesitate to contact me directly.

Sincerely,



Andrea J. Marquez
Assistant City Attorney, City of Sumner



Ingrid L.D. McLeod

253-620-1500
imcleod@dpearson.com

September 5, 2017

SENT BY E-MAIL ONLY TO MARGARETS@WSBA.ORG

WSBA Board of Governors
Attn: Margaret Shane
1325 - 4th Avenue, Suite 600
Seattle, WA 98101

Dear Ms. Shane:

I am writing in support of Russell Knight's candidacy for the At-Large Seat for New and Young Lawyers on the Board of Governors. I have had the privilege of working with Russell in two professional capacities, as fellow counsel in a multi-party complex civil litigation matter and as a fellow member of the Robert J. Bryan American Inn of Court. In both contexts, Russell has impressed me as a genuine, dedicated, and skilled professional.

For example, in our multi-party civil litigation matter, the legal interests of our clients overlap and Russell had been involved in the case since its inception, while I came on board after it had already been intensely litigated for 11-months. Russell went out of his way to orient me to the case and provide me with copies of past court filings and discovery records. He has also been invaluable in analyzing case strategy and charting a common course. Moreover, despite an unusually combative opposing counsel, Russell has impressed me with his ability to remain calm, composed, and focused on the law and the facts, rather than the attorneys involved.

Likewise, in Inns of Court, Russell's commitment to the Inn's core values of excellence and civility in the legal profession is inspiring. I have observed him steadfastly working in support of these values in progressively more responsible leadership roles, from chairing pupillage groups, overseeing the Inn's scholarship program, and joining the Inn's Executive Committee.

Russell Knight is an exceptional young attorney with a proven track record of working to improve the profession and serve the bar. He would be an asset to the Board of Governors. I urge you to elect Russell Knight to fill the vacant At-Large Seat for New and Young Lawyers on the WSBA's Board of Governors. If you have any questions or would like any additional information regarding my support of Russell, please do not hesitate to contact me at (253)238-5145. Thank you.

Sincerely yours,

DAVIES PEARSON, P.C.

Ingrid L.D. McLeod

ILDm/im

cc: Russell Knight

im / s:\2xxxx\20xxx\204xx\20430\1\lrs\wsba_letter of recommendation for russell knight (at large bog position--9-5-17).doc

920 Fawcett Avenue | PO Box 1657 | Tacoma, WA 98401-1657 | T 253-620-1500 | F 253-572-3052 | www.dpearson.com

September 11, 2017



WSBA Board of Governors
Washington State Bar Association
1325 4th Ave, Suite 600
Seattle, WA 98101

Re: Russell Knight – BOG At-Large Position

Ladies and Gentlemen of the Governing Board,

I confidently express my full support and recommend Russell Knight to be a Governor At-Large. I have had the pleasure of working with Mr. Knight on the Washington Young Lawyers Committee for several years in the past, and he is a wonderful pick for this position. He works hard and is an overall team player. One trait that is especially strong is his wisdom and natural leadership abilities. On the committee, his advice was widely accepted, and he was a tremendous reason why many committee goals were achieved.

To his credit, Mr. Knight often took on some of the hardest projects that our committee faced as the lead, and delivered timely reports and updates when necessary. His work has always been impeccable, and it is balanced by his empathetic outlook to those in need. These strong characteristics have gained him respect from his peers, colleagues, and those who have had the opportunity of working with him.

Russell is exactly the type of person that you want to have on your side when tough decisions need to be made. His self-confidence is reassuring, and he is not afraid to engage in fruitful debate when innovative ideas are presented. He is an inspiration to many, and his leadership is suited perfect for this position.

Feel free to reach me directly at (206) 946-8580 if you have any questions or concerns regarding my support of Mr. Knight.

Sincerely,

HUMPHREY & ASSOCIATES, PLLC



Vincent Humphrey, Esq.

VH:lw
cc: Russell Knight

THE LAW OFFICE OF MIKE MOCERI

April 30th, 2018

To the Board of Governors,

I am writing to express my support for Russell Knight to become our young lawyer at large BOG representative. I have had the pleasure of working with Mr. Knight on the WYLC for a couple of years, and I know that he has the knowledge, experience, and character to successfully represent the interests of the young lawyer community in the State of Washington.

As a young lawyer practicing in Washington, I know that my demographic faces unique challenges as we enter the legal profession. Gone are the days of six figure salaries out the gate, as we have ushered in a new era of six figure student loan debts. I myself owe nearly a quarter million dollars in student loans (accruing interest at ~6%/annum, compounding). As the owner of a small law firm who has to make payroll every two weeks, let me tell you — my generation of attorneys face extreme pressure. Mr. Knight is well acquainted with this backdrop of financial burden being taken on by young attorneys, and has worked diligently as a volunteer to ameliorate those burdens.

During his time on the WYLC, I saw Mr. Knight as an active, engaged participant — always listening and deeply considering the opinions of others before rendering his own. In a room full of lawyers, that's a rare trait. I find Mr. Knight's deliberative approach to be refreshing, and have always appreciated the spirit of collaboration he brings to the table. I think that if the BOG appoints him as our at large representative, you will find him to be a welcome addition to your team.

If you have any questions for myself about Mr. Knight's qualifications or my experience working with him in the past, please do not be afraid to reach out.

Sincerely,

Mike Mocer
Attorney at Law

The Law Office of Mike Mocer
1310 N. I St., Ste B
Tacoma, Wa 98403

Web | www.mocerilaw.com
Email | mike@mocerilaw.com
Phone & Fax | (888) 510-1961



Helen Ling
Helen@Ling-Liang.com
Direct: (206) 430-5087

671 S. Jackson St. Suite 201
Seattle, WA 98104
Fax: (206) 682-7320

May 1, 2018

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

**Re: Letter of Recommendation for Russell Knight
New and Young Lawyer At-Large Position on WSBA Board of Governors**

Dear Governors:

It is my pleasure to recommend Russell Knight for the New and Young Lawyer At-Large Board of Governor seat. I served with Russell on the Washington Young Lawyers Committee for five years during which time I served as an At-Large Member, King County Representative, and Chair from 2015 – 2016. I also served on the Executive Committee of the Alternative Dispute Resolution Section for four years with two years as Secretary. I am keenly aware of the demands and expectations of governors on the Board and wholeheartedly endorse Russell Knight as an exemplary candidate.

Russell and I served through some of the Committee's most demanding times. We began our terms as the Young Lawyer Division was transforming into the Young Lawyer Committee. We also were of the generation that graduated into the Great Recession where many of our peers had no job opportunities while saddled with immense law school debt. Russell not only participated in, but led, discussions on how to prioritize our Committee's efforts in tackling new lawyer issues while simultaneously helping the Committee define and refine our purpose and capacity. He asked the difficult questions such as which projects we needed to sideline in favor of projects that would produce the most impact. Russell maneuvered seamlessly through the nitty gritty details while never losing sight of the overall vision of the Committee.

As Chair, I relied upon him heavily as a voice of reason and diplomacy. I would often consult with him before taking action and valued his feedback on when my leadership and communication style worked and, most importantly, when it did not work. During my term, I trusted him with our Budget Subcommittee to not only learn with WSBA Staff how to balance cost versus impact, but to also assist in formulating internal policies and standards that would make the Committee more efficient and productive. He was organized and punctual in meeting with staff, following up on to-do items, and presenting discussion topics to the Committee.

Russell Knight Letter of Recommendation
May 1, 2018
Page 2

Regrettably, I am not able to attend the BOG meeting where the seat selection will take place. If available, I would have addressed you in-person on his behalf as I did last year when Russell was one of the finalist considered for this position. Please feel free to contact me if you have further questions on my endorsement of Russell Knight for the New and Young Lawyer At-Large position.

Very truly yours,

LING & LIANG, PLLC

A handwritten signature in black ink, appearing to read 'H. Ling'.

Helen Ling

Past Chair
Washington Young Lawyers Committee

To: The President, President-elect, Immediate Past President, and
The Board of Governors

From: Hon. Paul Bastine, ret., Practice of Law Board Chair

Date: May 3, 2018

Re: Practice of Law Board Update to Board of Governors

UPDATE: Update from the Practice of Law Board.

I look forward to this opportunity to share the Practice of Law Board's exciting work with the Board of Governors. A hard copy of the Annual Report, which has been submitted to the Supreme Court, is included in the meeting materials with this memo.



PRACTICE OF LAW BOARD

STATE OF WASHINGTON

Annual Report

2017



**I. PRACTICE OF LAW BOARD:
ESTABLISHMENT AND RECONSTITUTION**

A. ESTABLISHMENT AND RECONSTITUTION

The Practice of Law Board (PLB) was established by the Washington Supreme Court with the adoption of General Rule 25, effective September 1, 2002. The Board was developed by the Washington State Bar Association Committee to Define the Practice of Law. The Committee also drafted GR 24, Definition of the Practice of Law. The PLB and the definition of the practice of law were the result of a concerted effort by the WSBA Board of Governors to address difficult issues relating to protecting the public from unauthorized practice of law and of access to justice for persons of low and moderate means.

In July 2015, the Court reconstituted the Board and issued an order directing the Board to:

- Increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for people not licensed to practice law to provide legal and law-related services;
- Cease all enforcement activities except for receiving complaints alleging the unauthorized practice of law, determining whether such complaints are frivolous, and referring nonfrivolous complaints to appropriate authorities;
- Otherwise, continue the Board's mission, including rendering advisory opinions;

- Convene interested stakeholders to engage in a broad based discussion about the future of the Practice of Law Board and then submit its recommendations to the Court.

The Board is regulated by GR 25 and PLB Regulations, as modified by the July 2015 Court Order. The Board has submitted suggested changes to conform GR 25 to the Court's 2015 Order and requested that the Court rescind the Regulations. The Board is administered and staffed by the Washington State Bar Association. The WSBA pays all PLB expenses reasonably incurred by the PLB pursuant to a budget approved by the BOG. PLB members are not paid for their service, but their necessary expenses are reimbursed.

II. MEMBERSHIP OF THE PRACTICE OF LAW BOARD

The PLB consists of 13 members, at least 4 of whom shall be persons not licensed to practice law. (GR 25(b)). Appointments are made by the Supreme Court to staggered 3-year terms. The current membership is 9 lawyers and 3 members not authorized to practice law and one open position. The Board is actively recruiting for an additional community representative. The current Board roster is attached to this report.

III. BOARD ACTIVITIES, PROGRESS AND FUTURE WORK PLAN

A. RECOMMENDED CHANGES TO GR 25 AND RECISSION OF BOARD REGULATIONS

The Board has submitted proposed changes to GR 25 to conform the Rule to the Court's July 2015 Order. The Board has also asked the Court to rescind the Board Regulations. These Regulations have not been amended since 2005 and are inconsistent with the Court's 2015 Order. The Board included the Regulation provisions in the recommended changes to GR 25. The Board plans to determine in the future whether a new set of regulations is needed.

B. PUBLIC EDUCATION

The Court ordered the Board to increase its focus on educating the public about how to receive competent legal assistance. The Board, with assistance from the WSBA, has developed a Legal Health Check Up document (Attachment A). The Legal Health Check Up is intended to help people in Washington learn which life issues may have legal solutions and where to look for information, legal resources, and legal assistance. This project has two phases; the initial “2-pager” paper phase, and a future online logic tree phase. The “2-pager” was circulated for comment and the Board is working to incorporate the substantive comments. The list of stakeholders asked to provide comments on the Legal Health Check Up is Attachment B. In addition to the paper document, the Board is developing a list of self-help and referral resources that will be hosted on the WSBA website. WSBA will distribute the completed “2-pager”. WSBA is seeking partners to create a mobile app Legal Heal Check Up The Board will be providing advice on the development of the substantive questions, answers, and resources coded into the mobile app version of the Legal Health Check Up. The Board would like to discuss whether the Court could provide funding for this project.

C. NEW LEGAL PROFESSIONALS

The Court ordered the Board to increase its focus on considering new avenues for persons not licensed to practice law to provide legal and law-related services. The Board is currently focusing on web-based document preparation services. The Board is studying whether these services are engaged in the practice of law and what types of regulation are necessary to protect the public. The Board is studying statutory changes to the definition of the

practice of law in North Carolina and Texas. The Board is also considering whether GR 24 could be amended to provide necessary regulation in this area.

D. FUTURE WORK PLAN

The Board plans to continue working on the Legal Health Check Up paper document, resource list and online application as needed. The Board also plans to focus on whether changes are needed to GR 24 or other rules, to enhance public protection for innovative legal services delivery methods, including online document preparation companies. The Board will continue to receive, review and refer appropriate unauthorized practice of law complaints to enforcement authorities.

IV UNAUTHORIZED PRACTICE OF LAW (UPL)

The Board reviewed 26 UPL complaints this year. The Board closed 11 complaints without action and referred 15 complaints for possible investigation and enforcement action. In January 2017, the Board referred a complaint to the Whatcom County Prosecutor's Office. On January 31, 2018, Kenneth B. Davis was sentenced based on pleading guilty to three counts of unlawful practice of law¹. A summary of these complaints is attached to this report.

During calendar year 2017, the Board received an average of two complaints each month, for a total of 30. This appears to be a decrease from 2016 (40). WSBA staff working with the Board receives phone calls and emails from many people who decide not to file complaints with the Board. Staff provide general information and resources, if appropriate, to people who contact WSBA, including phone numbers and email contacts for the Washington State Attorney General's Office Consumer Protection Division and local law enforcement.

¹ One count was based on the Board's referral.

ATTACHMENT A

LEGAL HEALTH CHECK UP DRAFT

"2 PAGER"



Legal Health Checkup

How's your legal health? Just like a proactive trip to the doctor, monitoring for symptoms of legal problems in your everyday life can cure minor and serious problems that harm your wellbeing. The first step is diagnosis—recognizing when you actually have a legal issue. The second step is treatment—connecting with a variety of legal resources. This checkup can help you do both, and we promise: It's less painful than a shot in the arm!

Check the box if your answer is yes.

INCOME /DEBTS

- ☐ Do you have trouble paying your bills each month?
- ☐ Do you or your family have enough food?
- ☐ Do you need help getting or keeping public benefits such as disability benefits, unemployment insurance, child benefits, or veteran benefits?
- ☐ Do you need help doing your taxes or do you owe taxes that you can't pay?
- ☐ Do you have trouble affording your health insurance, services or medicines?
- ☐ Are you unable to open a bank account?
- ☐ Is anyone chasing you for money, including ongoing phone calls by a debt collector?
- ☐ Do you have payments due or unpaid accounts for things like phone service, electricity, car loans, or cash converters?
- ☐ Is money being taken from your wages or bank account without your permission?
- ☐ Are you in default of a student loan?

IDENTITY THEFT

- ☐ Are you the victim of identity theft (someone using your social security number or other information)?
- ☐ Is there something on your credit report that you do not recognize?

HOUSING

- ☐ Are you without shelter or about to be without shelter?
- ☐ Is your rented space unsafe?
- ☐ Is your landlord harassing you or retaliating against you?
- ☐ Have you received notices from your landlord that you don't understand?
- ☐ Are you unable to pay your mortgage?
- ☐ Are you unable to pay your property taxes?
- ☐ Are you unable to pay your HOA dues?
- ☐ Are you in foreclosure?
- ☐ Do you have a dispute with a contractor?

EDUCATION

- ☐ Does your child need more help in school to be successful?
- ☐ Is transportation ever a problem for you or your child to participate in school activities?
- ☐ Are you or your child being treated unfairly at school?
- ☐ Are you or your child a victim of hate or discrimination at school?
- ☐ Are you or your child frequently missing school?
- ☐ Do you or your child have language, cultural, or immigration issues at school?
- ☐ Are you able to provide all of the documents needed to enroll your children in school?

EMPLOYMENT

- ☐ Do you have a disability that is affecting your job?
- ☐ Are you concerned about disclosing your health conditions to your employer?
- ☐ Have you been injured at work or is your workplace unsafe?
- ☐ Are you being harassed or discriminated against?
- ☐ Do you have trouble getting the time off that you need?
- ☐ Does your employer owe you money?
- ☐ Did you receive all your sick leave and vacation time when you left your last job?
- ☐ Were you unfairly fired?
- ☐ Are you having trouble at work because you are a victim or domestic violence, sexual assault, or stalking?
- ☐ Have you been denied unemployment?

CRIME AND FINES

- ☐ Do you have any unpaid fines that you cannot pay?
- ☐ Are you due in court or have you missed a court date?
- ☐ Do you have a criminal record that is causing problems such as preventing employment?

More questions on other side

FAMILY CHANGES

- ☐ Are you going through a divorce or separation?
- ☐ Do you have any problems with child support, seeing your children, or custody?
- ☐ Do you have concerns about Child Protective Services (CPS) being involved with your family?
- ☐ Do you have any concerns for your safety or for your children's safety?
- ☐ Do you have or want court protection for you or your children?
- ☐ Do you have a protection order against you?
- ☐ Do you need help planning for your children's needs if you are detained or deported?

PREPARING FOR THE FUTURE

- ☐ Do you need a will or other plan for your children and property if you were to die?
- ☐ Has a loved one died and you need to make decisions and handle their affairs?
- ☐ Do you need a legal document for someone to make healthcare decisions for you if you can't?

TRANSPORTATION

- ☐ Do you have car payments you can't afford?
- ☐ Is your vehicle broken or unsafe?
- ☐ Are you having problems with a car you recently bought?
- ☐ Do you have problems with a car repair shop?
- ☐ Is your license suspended?
- ☐ Has your vehicle been towed, booted or impounded?
- ☐ Do you have tickets you can't pay?

HEALTH CARE

- ☐ Are you unable to see a doctor when you need one?
- ☐ Are you unable to get the health services and supports that your doctor suggests?
- ☐ Are you unable to get the dental services you need?
- ☐ Is a healthcare provider not following your wishes for care?
- ☐ Do you or your children need assistance to get involved in fitness or recreation programs?
- ☐ Did your insurance company deny you care or your claim?

IMMIGRATION

- ☐ Do you want to know your rights if the government raids your home, school or work?
- ☐ Do you want to know your immigration options if you have been charged with/convicted of a crime?
- ☐ Were you brought to the United States as a child?
- ☐ Has anyone ever filed a visa petition for you before?
- ☐ Are you afraid to return to your home country?
- ☐ Do you have a prior order of removal or deportation?
- ☐ Have you ever been denied a visa?
- ☐ Did one of your parents become a United States citizen while you were a minor?
- ☐ Are you married to a United States citizen or permanent resident?
- ☐ Did you receive bad advice or paid for services you never received from an immigration consultant, notario, or attorney?
- ☐ Have you not been paid for work or underpaid because of your status?
- ☐ Do you need a petition to adjust your status?
- ☐ Are you sponsoring someone else or planning to?

***Did you mark one or more check boxes? You may need legal help!
Follow this link: www.linkcomingsoon.org***

NOT LIVE

ATTACHMENT B

STAKEHOLDER LIST

Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Michael Spearman
Court of Appeals, Div. 2	Chief Judge Thomas Bjorgen
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 Cmte

Organization	Name
	Jon Morrone (Court Rules)
WA Defense Trial Lawyers (WDTL)	Jennifer Campbell, President Lori O'Tool, President- elect
WA Association for Prosecuting Attorneys	Denis Tracy, President Rich Weyrich, Vice- President
WA Association for Justice (WSAJ)	Darrell Cocharn, President Kenneth R. Friedman (Court Rules)
NW Justice Project	Christina Gerrish Nelson, President
WA Association of Criminal Defense Lawyers	Louis Frantz, President
WA Appellate Lawyers Association	David Zuckerman, Co- Chair James Whisman, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President- elect

WA Defense Trial Lawyers	Erin Hammond, President Jennifer Campbell, 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)	Tom Brubaker, President
Public Defenders Association	Lisa Daugaard, Director
ACLU (WA Branch)	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen
American Immigration Lawyers Association, WA State Chapter	Qingqiong Maio

Organization	Name
Asian Bar Association	Andrea Chin President
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	John Feters President Ailene Limric, President-Elect
QLaw – LGBT Bar Assoc.	Caleb Oken-Berg President Alison Warden President-Elect
Korean Bar Assoc.	Younghi Ham President Crystal Nam President-Elect

Latina/Latino Bar Assoc.	Aimee Sutton President
	Veronica Quinonez President-Elect
Loren Miller Bar Assoc.	Chalia Stallings-Ala'ilima President
	Chris Sanders President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President
	Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Jaime Drozd Allen President
Northwest Indian Bar Assoc.	Sarah Lawson President
	Christina Parker President-Elect
Pierce County Minority Bar Assoc.	Joseph Evans
Slavic Bar Assoc.	Peter Palubicki President
South Asian Bar Assoc.	Radhika Rabhakar President
	Shanthi Raghu 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	Rebecca Glasgow President
	Jacki Badal President-Elect

Organization	Name
Administrative Law	Stephen Manning, Chair
Alternative Dispute Resolution (ADR)	Adrienne Keith Wills, Chair
Animal Law	Wynn Kerr, Chair
Antitrust, Consumer Protection and Unfair Business Practices	Christopher Wyant, Chair
Business Law	Andrew Steen, Chair
Civil Rights Law	Kelli Schmidt, Chair
Construction Law	Athan Tramountanas, Chair
Corporate Counsel	Paul Swegle, Chair
Creditor Debtor Rights	Tom Linde, Chair
Criminal Law	Hugh Birgenheier, Chair
Elder Law	Kameron Kirkevold, Chair
Environmental and Law Use Law	Lisa Nickel, Chair
Family Law	Ruth Edlund, Chair
Health Law	Leanne Park, Chair
Indian Law	Diana Bob, Chair
Intellectual Property	Elizabeth Reilly, Chair
International Practice	Bernard Shen, 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	Vacant
Litigation	Stephanie Bloomfield, Chair
Low Bono	Stacie Naczelnik, 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

Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield	Joshua McKarcher

County (Hells Canyon Bar Assoc.)	
Benton-Franklin County	Eric Esinger
Chelan-Douglas County	Shannon Moreau
Clallam County	Stephanie Wyatt
Clark County	Chad Sleight
Cowlitz-Wahkiakum County	Meredith Long
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Trevor Bevier
Grays Harbor County	Joy Moore
Island County	Christon C. Skinner
Jefferson County	Nat Jacob
King County	Andrew J. Prazuch, Executive Director
	Kathryn Battuello, 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	David Lowell
Snohomish County	Gurjit Pandher
South King County	Darcel Lobo
Spokane County	Lynn Mounsey, Executive Director
	Jennifer Hanson, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Diane Clarkson, President
Thurston County	Megan Card
Walla Walla County	Michelle Mulhem
Whatcom County	David Brown
Whitman County	Luke E. Baumgarten
Yakima County	Megan K. Murphy

Organization	Name
Seattle City Attorney's Office	Roger Wynne
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) Deborah McFadden, Lead Attorney (Dependency Unit) Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Anthony Manzanares
Access to Justice Board	Geoffrey Revelle, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Kim Miller, Chair
MCLE Board	Andrew Benjamin, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Council on Public Defense	Eileen Farley, Chair
Northwest Immigrant Rights Association	Jorge Baron, Executive Director
One America	Rich Stolz, Executive Director

Moderate Means Program	Jennifer Smalls
Northwest Justice Project	Laurie Garber
University Legal Assistance in the Gonzaga Center for Law and Justice	
University of Washington School of Law Clinical Law Program	
Ronald A. Peterson Law Clinic	

ATTACHMENT C

BOARD ROSTER

Practice of Law Board

Established by Washington Supreme Court
Administered by the WSBA
Hon. Paul Bastine, ret, Chair

Roster

10/1/2017-09/30/2018

Member/Position	Term
Hon. Paul Bastine, Ret., Chair Spokane, WA WSBA Member	10/1/2015-09/30/18
Trena Berton Coupeville, WA WSBA Member	10/1/2017-09/30/2018
Michele Carney Seattle, WA WSBA Member	12/1/2015-09/30/2018
Prof. George Critchlow Spokane, WA WSBA Member	10/1/2017-09/30/2020
Brooks Goode Spokane, WA Community Representative	10/1/2016-09/30/2019
(ALJ) Judge Dominique Jinhong Olympia, WA WSBA Member	10/1/2017-09/30/2020
Andre Lang Everett, WA WSBA Member	10/1/2016-09/30/2019
Amber Marie Rush Vancouver, WA WSBA Member	10/1/2016-09/30/2019
Sarah Sumadi Seattle, WA Community Representative	12/1/2015-09/30/2019
Gary Swearingen Issaquah, WA WSBA Member	12/1/2015-09/30/2018

Member/Position	Term
Jennifer Unger Tacoma, WA Community Representative	12/1/2015-09/30/2020
Douglas Walsh Olympia, WA WSBA Member	10/1/2016-09/30/2019

Alternate	Term
Gabriel A. Foster Vancouver, WA WSBA Member	10/1/2017-09-30/2018

BOG Liaison/WSBA Staff
Governor Brian Tollefson, BOG Liaison
Julie Shankland, WSBA Staff Liaison
Sherry Lindner, WSBA Paralegal

ATTACHMENT D

BOARD MEETING AND AGENDAS AND MINUTES

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

October 20, 2016
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

EXECUTIVE SESSION

Unauthorized Practice of law Complaint Reviews

5 Complaint Reviews

PUBLIC SESSION

Minutes

September 15, 2016

UPL/CPA Legislation Update

Report on Phone Call with EOIR

Effective Communication Techniques-Debra Carnes, WSBA Chief Communications Officers

Lawyer Incubator Program Concept-: Mike Mocer, Washington New and Young Lawyers Committee

GR 25-Making the Rule consistent with the Court Order

Adjourn

Board Top Priorities

1. Public Education
2. New Legal Professional Model
3. Alternative Business Structures
4. Virtual Courthouse Models and Concepts
5. Practice of Law Board's Role in UPL Complaints
6. Redefine Practice of Law
7. Legal Services by Other Professionals
8. Tools for Modernizing Legal Professionals

Next Meeting: November 17, 2016

PRACTICE OF LAW BOARD

STATE OF WASHINGTON

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

MEETING MINUTES

October 20, 2016

The Practice of Law Board (POLB) met on October 20, 2016 at the Office of the Washington State Bar Association. POLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Andre Lang, Gwen Remmen, Amber Marie Rush; Gary Swearingen and Doug Walsh. Mike Moceri, Washington Young Lawyers Committee, Sherry Lindner, Office of General Counsel Paralegal and Julie Shankland, WSBA Senior Assistant General Counsel also attended.

Minutes

The Board unanimously approved the minutes from the September 15, 2016 meeting.

Access to Justice Board Liaison

Chair Bastine reported that he met with the Access to Justice Board Chair to discuss best methods for collaboration on areas where the two boards overlap. The POL Board decided to send a POL Board liaison to the ATJ Board meetings. Amber Marie Rush volunteered

Presentation and Discussion of WSBA Communication Tools Debra Carnes, WSBA Chief Communications Officer

Ms. Carnes explained the tools the WSBA currently uses to communicate, including NWLawyer, WSBA website blogs, email, and social media. She suggested ways that the WSBA communications department and the POL Board could work together on shared communication goals.

Board members discussed a process for developing messaging. The process includes: researching a problem to understand the behavior that needs to change and the target audience for the message. Then, create the message, test the message, produce the message, deliver the message and drive people to the message. The Board reached consensus that the Board's target audience is the 80% of Washington residents who do not currently access legal services and also lawyers. The Board also reached consensus on working to include legal checkup information in the targeted messaging. The board discussed developing a communications plan that included detailed steps and deadlines.

Presentation and Discussion on Legal Incubator Programs

Michael Mocer, Chair of the Washington Young Lawyers Committee Incubator Program Subcommittee

Mr. Mocer presented his subcommittees research into incubator programs nationwide, including the variable business models and funding sources. His subcommittee plans to develop a business model in the next six months for WSBA consideration.

Update on Legislation making unauthorized practice of law a per se violation of the Consumer Protection Act

Doug Walsh met with Alison Phelan, WSBA Legislative Affairs Manager and contacted Michael Webb, the legislative representative from the Washington State Attorney General's Office about the proposed legislation. This legislation will not move forward right now, but could be considered during the normal legislative cycle in 2018. Mr. Walsh suggested that narrower legislation based on data documenting specific substantive problem areas might be more successful than the generic approach. We will begin to gather data and look for trends.

EIOR Phone Call Update

Brea Burgie manages the Fraud and Abuse Prevention Program in the Office of the General Counsel of the Executive Office for Immigration Review. This is another referral source for immigration related UPL cases. Additionally, Ms. Burgie provided access to several examples of public education materials. Many of the materials are based on pictures rather than words, so that they are more accessible to people regardless of language.

Executive Session Report

During Executive Session, the board considered four unauthorized practice of law complaints, closing two and referring two for consideration of investigation and enforcement.

The Board entered Executive session to consider unauthorized practice of law complaints.

EXECUTIVE SESSION

In Executive Session, the Board considered four unauthorized practice of law complaints. The board referred two complaints for possible investigation, closed two complaints without action and deferred one complaint.

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

November 17, 2016
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC SESSION

Minutes

October 20, 2016

Presentation and Discussion-James Bamberger, Director, Office of Civil Legal Aid (10-Lunch)

GR 25-Making the Rule consistent with the Court Order-Begin Discussion (1pm-2pm)

(a) Board Responsibilities (b)(1)-(b)(4)

1. Does this draft language capture the Court's Order and instructions?
2. What is missing?
3. Is there a fiscal impact to additional responsibilities?
3. What is included that should not be the Board's responsibility?
4. What factors did you consider in determining tasks that should not be the Board's responsibility?
5. Do you have a recommendation about whether another board or agency should take on removed responsibilities?

Where Do We Go From Here? (2-2:30pm)

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

5 Complaint Reviews

Adjourn

Board Top Priorities 2016

1. Public Education
2. New Legal Professional Model
3. Alternative Business Structures
4. Virtual Courthouse Models and Concepts
5. Practice of Law Board's Role in UPL Complaints
6. Redefine Practice of Law
7. Legal Services by Other Professionals
8. Tools for Modernizing Legal Professionals

Next Meeting: December 15, 2016

PRACTICE OF LAW BOARD STATE OF WASHINGTON

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252 Fax: (206) 727-8314

MEETING MINUTES November 17, 2016

The Practice of Law Board (POLB) met on November 17, 2016 at the Office of the Washington State Bar Association. POLB members attending were: Hon. Paul Bastine, ret., Chair; Professor Emeritus George Critchlow, Brooks Goode, Dominique Jinhong, Andre Lang, Gwen Remmen (by phone), Amber Marie Rush; Gary Swearingen and Doug Walsh. Francis Adewale, Access to Justice Board Liaison, James Bamberger, Director of Office of Civil Legal Aid, Sherry Lindner, Office of General Counsel Paralegal and Jean McElroy, WSBA General Counsel and Chief Regulatory Counsel also attended.

Minutes

The Board unanimously approved the minutes from the October 20, 2016 meeting.

Presentation and Discussion on the Civil Legal Needs Study Update

James Bamberger, Director of Office of Civil Legal Aid

Mr. Bamberger discussed the background of the 2003 Civil Legal Needs survey. The study can be found at: <http://ocla.wa.gov/reports/>.

The Access to Justice (ATJ) Board Technology Subcommittee is working on technology that may assist and resolve legal issues. The Office of Civil Legal Aid is also working on technology that will assist this effort. This is still in its infancy stages.

The Board discussed the idea of "Turbo-Taxing" family law forms and possibly using an online dispute resolution system. The ATJ Board's technology subcommittee may be interested in pursuing these ideas.

The Board will continue to research and discuss these new ideas.

Executive Session Report

During Executive Session, the board considered four unauthorized practice of law complaints, closing two and referring two for consideration of investigation and enforcement.

The Board entered Executive session to consider unauthorized practice of law complaints.

EXECUTIVE SESSION

END OF EXECUTIVE SESSION

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

December 15, 2016
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC SESSION (9:30-2:30)

New Member Introduction (9:30)

Minutes (9:35-9:45)

November 17, 2016

Report from ATJ Board Liaison

PROJECT IDEAS, DISCUSSIONS AND ASSIGNMENTS (9:45-11:45)

Legal CheckUp

Court House Facilitator Program and GR 27 Revisions

Automation Technology Ideas (New Legal Service Delivery Models)

New Legal Professionals

LUNCH (11:45-12:15)

GR 25 (12:30-2:30 p.m.)

EXECUTIVE SESSION (2:30-3:00 p.m.)

Unauthorized Practice of law Complaint Reviews

3 Complaint Reviews

Adjourn

Board Top Priorities 2016-17

1. Public Education
2. New Legal Professional Model
3. Alternative Business Structures
4. Virtual Courthouse Models and Concepts
5. Practice of Law Board's Role in UPL Complaints
6. Redefine Practice of Law
7. Legal Services by Other Professionals
8. Tools for Modernizing Legal Professionals

Next Meeting: January 19, 2017

PRACTICE OF LAW BOARD STATE OF WASHINGTON

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252 Fax: (206) 727-8314

MEETING MINUTES December 15, 2016

The Practice of Law Board (POLB) met on December 15, 2016 at the Office of the Washington State Bar Association. POLB members attending were: Hon. Paul Bastine, ret., Chair; Professor Emeritus George Critchlow, Dominique Jinhong, Amber Marie Rush, Sarah Sumadi, Gary Swearingen, Jennifer Unger, and Doug Walsh (by phone). Paula Littlewood, Executive Director, Sean-Michael Davis, WSBA BOG Liaison, Francis Adewale, Access to Justice Board Liaison, Chelsie Elliott, Sherry Lindner, Office of General Counsel Paralegal and Jean McElroy, WSBA General Counsel and Chief Regulatory Counsel also attended.

Minutes

The Board unanimously approved the minutes from the November 17, 2016 meeting.

Access to Justice (ATJ) Board Report by Amber Rush

Ms. Rush attended her first ATJ Board meeting as the Practice of Law Board Liaison. The ATJ Board's subcommittees are large and work on different topics. The main theme discussed was the difficulty in maintaining communication across all boards and committees.

Legal Checkups

Ms. Littlewood discussed the Legal Checkups report by the ABA Commission on the Future of Legal Services. Mr. Swearingen and Judge Jinhong discussed the possibility of creating an online form where the public would be able to fill-out the form and see what sorts of legal checkup one might need.

Assignment

Mr. Swearingen and Judge Jinhong will contact LegalHealthCheckUp.ca/en and inquire about: 1) questionnaire; and 2) take a look at the existing tree-structure and how it formulates your path.

GR 25

The Board reviewed the proposed changes and made additional changes to the GR 25. The proposed changes were approved by the consensus. See attached.

Executive Session Report

During Executive Session, the board considered three unauthorized practice of law complaints, referring three for consideration of investigation and enforcement.

The Board entered Executive session to consider unauthorized practice of law complaints.

END OF EXECUTIVE SESSION

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

January 19, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC SESSION

Minutes

December 15, 2016

Work Group Meetings (9:45-11:00)

Work Group Reports (11:10-11:45)

LUNCH (11:45-12:15)

Continue Work Group Reports and Discussion

Brief Report from Amber Rush and Frances Adewale re: ATJ Board

GR 25 Draft Rule Amendments: Review Draft and continue discussion

Annual Report: Review Draft and continue discussion

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

2 Complaint Reviews

Adjourn

Next Meeting: February 16, 2017

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

**MEETING MINUTES
January 19, 2017**

The Practice of Law Board (PLB) met on January 19, 2017 at the Offices of the Washington State Bar Association. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Professor Emeritus George Critchlow, Brooks Goode, Professor Robin Jacobson, Administrative Law Judge Dominique Jinhong, Amber Marie Rush; Gary Swearingen, Jennifer Unger and Doug Walsh. Sherry Mehr, Office of General Counsel Paralegal and Julie Shankland, WSBA Senior Assistant General Counsel also attended.

MINUTES

The Board approved the December 2016 minutes by consensus with one correction.

PLB WORK GROUPS

The Board re-organized the four work groups into two work groups: public education and new legal professional/modern practice. The Board decided that for future meetings, the work groups will meet from 9:30-12 noon and the full board will meet together for lunch and the afternoon session. The work groups met and reported their work plans to the full board.

Public Education Work Group Report

(Gary Swearingen, Chair, Michele Carney, Judge Dominique Jinhong, Sarah Sumadi, Jennifer Unger, and Doug Walsh)

The Public Education Work Group reported on its goals and action plan.

GOALS

1. Help people identify if they have a legal problem through a legal checkup, and
2. Direct them to the appropriate resources for their problem (pyramid)

ACTION PLAN

1. Develop content (broadly)
 - a. Research what others do
 - b. Inquire of stakeholder groups

2. Identify target groups by need

a Refine content by target

3. Identify fulfillment vehicles

4. Identify distribution channels

The work group clarified that if the final product is automated, the work group would look for a partner to do the technology pieces.

New Legal Professional/Modern Practice Work Group Report

(Professor Robin Jacobson, Professor George Critchlow, Chair, Brooks Goode, Andre Lang, and Amber Rush)

New Legal Professional/Modern Practice Work Group reported on its goals and action plan.

GOALS

To explore the role the Board and the Bar may have in developing technology that provides needy people relevant legal information, interactive dispute resolution options, and automated document assembly. The idea is based on a concept paper developed by Professor George Critchlow. The paper is attached to the minutes.

ACTION PLAN

- 1) Continue the concept development in light of work group discussion. Consider defining fields of law, security concerns, exits, end points, or even some front end mock ups for examples.
- 2) Refine mission statement and connecting it to the public good. Define the problem or problems that this will address. Explain the relationship between this and other ongoing programs such as kiosks, court house facilitators, or mandated mediation.
- 3) Lay out possible models for development, funding and provision of such a service and what the board and the bar's role could or should be in that process..
- 4) Identify stakeholders and potential concerns. These should include lawyers, technological innovators, the bar, the courts, etc.
- 5) Research current efforts both in the state, at the bar or at other places that might have significance for or resonate with this project. Tech subcommittee of ATJ; Citizenship Works; Turbo Tax; Wills on Line etc.

LEGISLATIVE AND ENFORCEMENT UPDATE

Doug Walsh began a discussion with the Board about whether the current statutes, court rules and case law limit the state's ability to protect the public from harm caused by the unauthorized practice of law. There are few criminal prosecutions for UPL under RCW 2.48 and the case of State v. Pacific Health Center has chilled UPL/CP actions except where the legislature has designated it a per se violation in the areas of immigration services and estate distribution documents. Since the Board refers non-frivolous complaints primarily to the AGO C.P. Division and prosecutors, a question arises as to whether the law is adequate to facilitate appropriate prosecution and deterrence of UPL. The Board will continue to consider whether additional legislative or court rule options are needed to adequately protect the public from harm caused by unauthorized practice of law.

ACCESS TO JUSTICE BOARD UPDATE

Amber Rush and Frances Adewale provided an update on the ATJ Board's activities. Amber Rush encouraged all PLB members to learn about and participate in Legal Aid Lobby Day on February 16, 2017. The organizers can match people with legislators and available time slots. Ms. Rush also encouraged PLB members to learn about and attend the ATJ Board's presentation on February 17 following the Goldmark Award Luncheon. The presentation, The Road Ahead: Strategizing for Justice in a New Political Landscape, is a three-hour policy presentation and discussion focusing on immigration and healthcare and how to align strategies on these issues to best help our communities.

GR 25 CHANGES

The Board continued to discuss proposed changes to GR 25. The Board will seek stakeholder input and present a rule proposal to the Board of Governors and to the Court.

ANNUAL REPORT

The Board reviewed the report it will submit to the Court in March. Chair Bastine stated that he planned to discuss the report with the WSBA Board of Governors during his presentation later in January.

EXECUTIVE SESSION

The Board entered Executive Session to consider two unauthorized practice of law complaints. The board voted to refer both complaints to enforcement agencies.

The Board ended Executive Session

The Meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

February 16, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC WORK GROUP SESSIONS (9:30-11:45)

LUNCH (11:45-12:15)

PUBLIC SESSION

Minutes

January 19, 2017

Work Group Reports

Brief Report from Amber Rush and Frances Adewale re ATJ Board

Brief Report from Amber Rush on the ABA Midyear Meeting

GR 25 and Annual Report

Agenda for March Meeting with Supreme Court

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

2 Complaint Reviews

Adjourn

Next Meeting: March 21, 2017 – The Board will meet with the Supreme Court in Olympia.

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

**MEETING MINUTES
February 16, 2017**

The Practice of Law Board (PLB) met on February 16, 2017 at the Offices of the Washington State Bar Association. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Professor Emeritus George Critchlow, Professor Robin Jacobson, Administrative Law Judge Dominique Jinhong, Andre Lang, Amber Marie Rush; Gary Swearingen, Jennifer Unger and Doug Walsh. WSBA Board of Governors Liaison Sean Davis, Sherry Mehr, Office of General Counsel Paralegal and Julie Shankland, WSBA Senior Assistant General Counsel also attended.

MINUTES

The Board approved the January 2017 minutes by consensus.

UPDATE FROM LLLT BOARD

LLLT Board Chair Stephen Crossland provided an update on the recent public hearing seeking input on a potential new substantive practice area for the LLLT program.

PLB MEMBER OPENINGS

Board member Gwenn Remmen resigned from the Board. Board members Critchlow, Jinhong and Unger have applied to be reappointed. The Board will review applications for open positions at the April meeting.

PLB WORK GROUPS

The Board re-organized the four work groups into two work groups: public education and new legal professional/modern practice. The Board decided that for future meetings, the work groups will meet from 9:30-12 noon and the full board will meet together for lunch and the afternoon session. The work groups met and reported their work plans to the full board.

Public Education Work Group Report

(Gary Swearingen, Chair, Michele Carney, Judge Dominique Jinhong, Sarah Sumadi, Jennifer Unger, and Doug Walsh)

The Public Education Work Group reported on its goals and action plan.

New Legal Professional/Modern Practice Work Group Report

(Professor Robin Jacobson, Professor George Critchlow, Chair, Brooks Goode, Andre Lang, and Amber Rush)

New Legal Professional/Modern Practice Work Group reported on its goals and action plan. This work group is focusing on the Legal CheckUp.

ANNUAL MEETING WITH SUPREME COURT

The Board briefly discussed next month's meeting with the Washington Supreme Court, including materials, presenters and logistics.

ANNUAL REPORT

The Board completed a final review of the Annual Report for presentation to the Court at the Annual Meeting.

ABA MEETING REPORT

Board member Rush reported on topics discussed at the recent ABA meeting she attended. She reported on a public debate about changes to the lawyer advertising rules (RPCs 7.1-7.5) and discussions about possible changes to legal education.

EXECUTIVE SESSION

The Board entered Executive Session to consider two unauthorized practice of law complaints. The board voted to refer both complaints to enforcement agencies.

The Executive Session was ended and the meeting adjourned.

The Board ended Executive Session

The Meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

April 20, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

Discussion of Supreme Court Meeting and Board Work Plan Priorities (9:30-10:30)

PUBLIC WORK GROUP SESSIONS (10:30-11:45)

LUNCH (11:45-12:15)

PUBLIC SESSION (12:15-2:30)

Minutes

February 17, 2017

March 21, 2017

Work Group Reports

Brief Report from Amber Rush and Frances Adewale re ATJ Board

Board Applicants

GR 25-Discussion of advisory opinions

ATJ Conference Presentation on Legal Check Ups

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

2 Complaint Reviews

2 Updates

Adjourn

Next Meeting: May 18, 2017

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

**MEETING MINUTES
April 20, 2017**

The Practice of Law Board (PLB) met on April 20, 2017 at the Offices of the Washington State Bar in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Professor Emeritus George Critchlow, Andre Lang, and Gary Swearingen. Katherine Bachus and Kirsty Sterling, students in the Highline Paralegal Program also attended. Julie Shankland, WSBA Senior Assistant General Counsel and Sherry Lindner, WSBA Office of General Counsel Paralegal attended.

Minutes

The board approved the February 17, 2017 and March 21, 2017 Minutes by consensus.

Discussion of Meeting with Supreme Court

The Board discussed the following topics after meeting with the Supreme Court:

Distinctions and similarities between the work of the ATJ board and the PLB;

How the PLB can assist the court to increase access to court services;

Courthouse Facilitator Program;

Potential collaboration between the PLB and ATJ Board and Office of Civil Legal Aid;

Regulatory challenges including UPL prevention, fee sharing and entity regulation;

Clarification that the PLB does not produce things or programs, but does provide ideas, reports and recommendations to the Court;

Following up on UPL complaints sent to enforcement agencies;

Whether to continue issuing advisory opinions

Work Group Reports

Public Education

The Public Education Work Group has researched and is preparing a public education plan. They are also looking into the amount of public education materials available on

the WSBA website. The group will continue to work on the plan and provide it to the Bar's communications department for discussion, input and implementation.

New Legal Professional/Modern Practice

Professor Critchlow reported on a conversation he had with Mark Britton and Dan Lear from AVVO about what they perceive as the obstacles to automated online mediation services that include document preparation (one-stop gets the whole job done). Mr. Britton and Mr. Lear reported that some of the tasks in this process are the practice of law and are possibly prohibited under GR 24. The Board briefly discussed whether GR 24 should or could be changed to accommodate this and other future ideas.

Board Applicants

The Board reviewed all applications received and selected applicants to nominate for Supreme Court appointment.

Unauthorized Practice of Law Complaints

The Board referred one complaint to an enforcement agency and closed one complaint without further action.

Executive Session

The Board entered Executive Session to discuss two UPL Complaints.

The Executive Session concluded.

Meeting Adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

May 18, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC WORK GROUP SESSIONS (9:30-11:00)

PUBLIC SESSION (11a.m.-2:30p.m.)

Minutes

April 2017

Work Group Reports

LUNCH WITH BOG (12-1 p.m.)

Brief Report from Amber Rush and Frances Adewale re ATJ Board

GR 25-Discussion of advisory opinions

CPE Advisory Opinion 2222-Information and Consideration of Comment

NWIRP Challenge to DOJ Cease and Desist Letter-Information Only

ATJ Conference Presentation on Legal Check Ups

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

2 Complaint Reviews

1 Update

Adjourn

Next Meeting: June 15, 2017

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

**MEETING MINUTES
May 18, 2017**

The Practice of Law Board (PLB) met on May 18, 2017 at the Offices of the Washington State Bar Association in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Professor Robin Jacobson, Administrative Law Judge Dominique Jinhong, Andre Lang, Amber Rush, Sarah Sumadi, Gary Swearingen, Jennifer Unger and Doug Walsh. Julie Shankland, WSBA Senior Assistant General Counsel and Sherry Lindner, OGC Paralegal also attended.

Minutes

The April 20, 2017 minutes were adopted by consensus. Professor Jacobson did not participate.

Chair Report

Chair Bastine reported that the LLLT Board is presenting to the BOG tomorrow. They are continuing to work on the next practice area.

Board Nominations

The Board's nominations will be sent to the Court.

Work Group Reports

The Public Education Work Group is working on a communication plan for the Legal Check Up product and continuing to work on the Check Up product. The group is drafting answers to questions and locating places/resources for people to find answers. The Work Group also surveyed the public information and resources currently available on bar association websites.

The New Legal Professional/Modern Practice Work Group discussed ways to survey legal providers and consumers to determine what kind of interfaces consumers want and need. This may be a joint project with the Public Education Work Group. The Work Group is interested in concrete data from consumers to support future decision-making. The group discussed working with WSBA and/or companies like AVVO or LegalZoom to contact consumers.

Report from ATJ Board liaison (Amber Rush)

Ms. Rush reported on several updates and agenda items, including the Northwest Immigrant Rights Project (NWIRP) lawsuit against J. Sessions and request for temporary restraining order. EOIR is interpreting an immigration court rule to prevent limited scope representation and that prevents NWIRP from doing much of its work. The discussion was short because the court had already issued the TRO. They also discussed the hotline for people to report immigration agents appearing in courts, schools, hospitals, etc. and people detained by ICE. The phone number is 1-

844-RAIDREP. They also discussed, but did not decide whether to send, a letter to ICE about enforcement concerns.

The ATJ Board also adopted a new state plan focusing on (1) race equity; (2) educating people in the community to identify problems as legal issues; (3) working to provide legal assistance to all people who want assistance; (4) working to make certain that all legal services provided are client-facing; and (5) providing systematic advocacy.

The Board discussed Advisory Opinion 2223 and decided not to take a position at this time. (see below).

GR 25 Advisory Opinions

The Board discussed changes to the advisory opinion language in the draft GR 25. The Court suggested changes to the Board's suggested language. A motion was made and seconded to add the following language to the current rule draft "if the board is requested to provide an advisory opinion, the board may, in its sole discretion, decline to do so." The motion passed by a vote of 8-0.

The Board entered Executive Session to consider three unauthorized practice of law complaints. The Board voted to refer one matter to an enforcement agency for information purposes and to close two files with no further action.

CPE Advisory Opinion 2223

The Board briefly discussed Advisory Opinion 2223 and decided to invite members of the CPE to the next PLB meeting to discuss this opinion.

NWIRP v. J. Sessions

The Board again, without taking any action, briefly discussed this lawsuit.

EXECUTIVE SESSION

END OF EXECUTIVE SESSION

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

June 15, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC WORK GROUP SESSIONS (9:30 a.m.-11:00 a.m.)

PUBLIC SESSION (11:00 a.m. – 2:30 p.m.)

Report from ATJ Conference Legal Check Up Presentation

Communication Plan Discussion with Paula Littlewood

LUNCH (11:45-1:00) Discussion of Advisory Opinion 2223 with CPE members

Work Group Reports

Brief Report from Amber Rush and Frances Adewale re ATJ Board

Minutes- May 18, 2017

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

2 Complaint Reviews

Adjourn

Next Meeting: July 20, 2017

PRACTICE OF LAW BOARD STATE OF WASHINGTON

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

MEETING MINUTES June 15, 2017

The Practice of Law Board (PLB) met on June 15, 2017 at the Offices of the Washington State Bar Association in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair; Michele Carney; Brooks Goode, Professor Robin Jacobson, Administrative Law Judge Dominique Jinhong, Andre Lang, Amber Rush, Sarah Sumadi, Gary Swearingen, Jennifer Unger and Doug Walsh. Julie Shankland, WSBA Senior Assistant General Counsel and Sherry Lindner, OGC Paralegal also attended.

Meeting with Natalie Cain from the Committee on Professional Ethics-Opinion 2223

The Board discussed the proposed changes to Opinion 2223 with Ms. Cain. The Board had an informal discussion and did not adopt a formal opinion or comment on this issue.

Communications and Outreach Department Presentation-Paula Littlewood and Sanjay Walvekar

Executive Director Littlewood explained how the Board and the Communications and Outreach Department work in partnership, using the Legal Checkup Form as an example. Ms. Littlewood explained that the Board develops the product and the Communications and Outreach Department partners with the Board to get the message out to the right people and in the most effective ways. In a recent restructuring of the Department, a new division for Outreach and Engagement was created so as to enhance WSBA's ability to be in the community telling its story while also encouraging members and the public to become engaged with WSBA. Ms. Littlewood encouraged the Board to view itself as a client of the WSBA's Communications and Outreach Department and to capitalize on the expertise within that Department. Ms. Littlewood presented an overview of the Department's restructuring, the outreach plan being developed, and discussed the current WSBA website redesign.

Work Group Reports

The Public Education Work Group continues to draft the Legal Checkup document. They are also discussing how the document can be translated into languages other than English and how the resource links developed can be kept current and maintained.

The New Legal Professional/Modern Practice Work Group The group discussed working with WSBA and/or companies like AVVO or LegalZoom to collect information about alternative legal services delivery models and consumer input. The group also discussed the need to consider changes to GR 24.

EXECUTIVE SESSION

END OF EXECUTIVE SESSION

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

July 20, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

Call Meeting to Order

PUBLIC WORK GROUP SESSIONS (9:30 a.m.-11:00 a.m.)

PUBLIC SESSION (11:00 a.m. – 2:30 p.m.)

Minutes- June 15, 2017

Work Group Reports

Brief Report from Amber Rush and Frances Adewale re ATJ Board

Discussion of whether to hold retreat

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of law Complaint Reviews

1 Complaint Review; 1 Update

Adjourn

Next Meeting: August 17, 2017

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
Fax: (206) 727-8314

**MEETING MINUTES
July 20, 2017**

The Practice of Law Board (PLB) met on July 20, 2017 at the Offices of the Washington State Bar Association in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair, Michele Carney, Prof. George Critchlow, Administrative Law Judge Dominique Jinhong and Amber Rush. Doug Walsh attended for a portion of the meeting. Julie Shankland, WSBA Senior Assistant General Counsel also attended.

The Board did not have a quorum and did not take any action. The Board discussed its mission and purpose and whether meeting in work groups or as a full board is the most efficient way to meet this purpose. The Board will continue to discuss these issues at the August meeting.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

MINI-RETREAT AGENDA

August 17, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

BOARD PURPOSE (9:30 -10:45)

(a) Individual Statements-3 Minutes per Participant

Each participant will state his or her understanding of the Board's purpose and his or her relationship to that purpose.

We will revisit this issue at the end of the meeting. We specifically encourage those attending from WSBA, ATJ Board and LLLT Board to take part in this exercise.

(b) Work Group Updates

Each work group will briefly describe its project and the status of the work.

(c) Discussion of Board Purpose

The Board will discuss the Board's purpose(s), sources of authority or information and any clarifications needed. We will compare the results of our discussion with the purpose stated on the most recent annual report to the BOG:

<p>The POLB derives its authority from GR 25 and the Court's 2015 Order reconstituting the Board and refocusing its mission. The Order 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>
--

BREAK (10:45-11:00)

EXPECTED DELIVERABLES (11:00-12:00)

The Board will discuss whether it is expected to create products or gather information and provide reports and recommendations only. The Board will compare the results of this discussion with this statement from the annual report to the BOG.

The Board 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.

The Board works with strategic affiliates to develop new ideas in 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 lawyers in integrating new ideas while maintaining effective and successful legal practices.

LUNCH 12:00-12:30

COMMUNICATION (12:30-1:00 pm)

The Board will discuss how to coordinate with ATJ Board, LLLT Board and other stakeholder groups to prevent duplication and leverage effort for maximum effectiveness.

GOALS (2017-18) (1:00-2:00)

The Board will discuss the current goals and make any changes in priority or goals. The numbered list is the goals in the BOG report. Since that report was submitted, Commissioner Rebekah Zinn has asked the board to submit a training proposal for the SCJA spring 2018 conference (held in April). Additionally, another judge asked that the Board prepare a brochure for judges and for court participants that explains who can appear in court.

1. Complete and distribute Legal Check Up.
2. Send proposed GR 25 to Court for consideration.
3. Collect concrete data to assess possible new legal professionals and possible consumer protection legislation.
4. Participate in the statewide education plan.
5. Consider changes to GR 24.

MEETING SCHEDULE AND STRUCTURE (2:00-2:20)

The Board will discuss the most efficient meeting schedule and structure to accomplish its goals. Should the Board continue to meet every month in-person? Should the Board continue to work in groups, or as a full board?

REFLECTION AND OTHER TOPICS (2:30 p.m.)

Participants will suggest other important topics to discuss during this meeting or during a later meeting.

Participants should be prepared to state his or her understanding of the Board's purpose, considering the discussions.

Next Meeting: September 21, 2017

This is the last meeting for fiscal year 2016-2017. The first meeting for fiscal year 2017-2018 will be on October 19, 2017. You will receive more information as we get close to October 19.

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539
(206) 727-8252
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**MEETING MINUTES
August 17, 2017**

The Practice of Law Board (PLB) met on August 17, 2017 at the Offices of the Washington State Bar Association in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair, Michele Carney, Prof. George Critchlow, Brooks Goode, prof. Robin Jacobson, Dominique Jinhong, Andre Lang and Amber Rush, Sarah Sumadi, Gary Swearingen and Doug Walsh attended. Trena Berton, newly appointed Board member; Geoffrey Revelle, Access to Justice Board Chair; Paula Littlewood, WSBA Executive Director; Sean Davis, WSBA General Counsel; Douglas Ende, WSBA Director of Lawyer Discipline; Steve Crossland, LLLT Chair; and Julie Shankland, WSBA Senior Assistant General Counsel also attended.

The Board discussed the purpose set out in the Court's July 2015 Order Reconstituting the Practice of Law Board. The Board also discussed how this purpose overlaps with and is different from the purposes set out for the Access to Justice Board and the Limited License Legal Technician Board. The Board also discussed whether the work group structure is the most efficient way to make progress on its goals.

By consensus, the Board made the following decisions:

- (1) The Board will work as a full Board and will not continue the current workgroup structure.
- (2) The Board will focus on two projects (a) Legal Check Up; and (b) Propose a new exception to GR 24 that authorizes, under appropriate conditions and regulation, websites that provide consumers access to interactive software preparing legal documents. See GS 84-2.2.
- (3) The Board will continue to meet in person and will meet approximately 10 times per fiscal year. The Board will consider cancelling the December meeting.

The meeting was adjourned.

PRACTICE OF LAW BOARD

State of Washington

Washington State Bar Association
1325 Fourth Avenue – Sixth Floor
Seattle, Washington 98101

AGENDA

September 21, 2017
9:30 a.m. – 3:00 p.m.

Conference Call: 1-866-577-9294, Pass Code: 55510#

CALL MEETING TO ORDER

PUBLIC SESSION

(1) MINUTES (9:45)

May 18, 2017
June 15, 2017
July 20, 2017
August 17, 2017

(2) DISCUSS 2017-2018 MEETING SCHEDULE

(3) DISCUSS JUDICIAL CONFERENCE PROPOSAL AND PAMPHLET

(4) LEGAL CHECK UP

Review drafts and discuss work plan and deadlines for project completion.

LUNCH (11:45am-12:15pm)

(5) GR 24 AMENDMENT (12:15-2:30)

Review North Carolina statute and begin discussion on work plan and deadlines for project completion.

EXECUTIVE SESSION (2:30pm)

Unauthorized Practice of Law Complaint Reviews

- 2 Complaints
- 1 Update

ADJOURN

Next Meeting: October 19, 2017

This is the last meeting for fiscal year 2016-2017. Please submit all reimbursements promptly. The first meeting for fiscal year 2017-2018 will be on October 19, 2017. You will receive more information as we get close to October 19.

Washington State Bar Association • 1325 Fourth Avenue, Suite 600 / Seattle, WA 98101-2539 • 206-733-5941 / fax: 206-727-8314

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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(206) 727-8252
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**MEETING MINUTES
September 21, 2017**

The Practice of Law Board (PLB) met on September 21, 2017 at the Offices of the Washington State Bar Association in Seattle, Washington. PLB members attending were: Hon. Paul Bastine, ret., Chair, Prof. George Critchlow, Brooks Goode, Administrative Law Judge Dominique Jinhong, Andre Lang, Amber Rush, Gary Swearingen, Jennifer Unger, and Doug Walsh. Michelle Lucas, ATJ Board Liaison; Sean M. Davis, WSBA General Counsel; Kirsten Schimpff, WSBA Assistant General Counsel and Sherry Lindner, OGC Paralegal also attended.

MINUTES

The Board approved the May 18, June 15, July 20, and August 17, 2017 minutes by unanimous consent.

JUDICIAL CONFERENCE PROPOSAL AND PAMPHLET

The Board discussed the April Judicial conference and the pamphlet proposal. The Board has submitted its own proposal and will continue to work on the materials.

2017-2018 MEETING SCHEDULE

The Board approved of the meeting schedule, as is, except for the December meeting which will either be telephonic or cancelled. The Board will determine if a December meeting is necessary at its November meeting.

LEGAL CHECK UP

The Work Group has compiled its research and will be finalizing its report for the Board to review at its November meeting.

The Work Group is still trying to determine how the Legal Check Up will be formatted and will need guidance from the Bar.

Once the Legal Check Up is completed, the Board will reach out to stakeholders for input with the Bar's assistance.

GR 24 AMENDMENT

The Board discussed the North Carolina statute and the possibilities of adopting something similar. The Board discussed the possibilities of expanding the exception list in GR 24.

Professor George Critchlow and Douglas Walsh will work together to prepare a discussion paper on a proposed GR 24 amendment for further discussion by the Board.

EXECUTIVE SESSION

The meeting was adjourned.

ATTACHMENT E

UPL COMPLAINT CONSIDERATIONS AND COMPLAINT SUMMARY

Consider: No Referral for Enforcement		Does not implicate UPL and/or No Public Harm
1	Complaint form not signed 30 days after request	
2	Complainant cannot be located, contacted or identified	
3	Complainant withdraws complaint	
4	Complaint previously referred to enforcement agency or agency already involved	
5	One time only; not repeated; no public harm	
6	Conduct permitted by RPC 5.5 and Respondent is lawyer authorized to practice in another jurisdiction	
7	Complaint is stale; limited public harm or no client/witness	
8	Conduct is not the practice of law	
9	Conduct is one of the GR 24 exceptions <ul style="list-style-type: none"> • Authorized by limited license • Court House Facilitator • Authorized Lay Representative • Neutral-mediator, arbitrator, conciliator or facilitator • Collective Bargaining Rights labor negotiations, arbitrations or conciliations • DVPO or RCW 10.14 PO assistance • Legislative lobbyist • Selling Legal Forms • Activities pre-empted by Federal Law • Clerk or court employee providing public information pursuant to Supreme Court Order • Activities authorized by Supreme Court Decisions or Orders • Nonlawyer assistant acting under lawyer supervision • Providing general information about laws and legal procedures to the general public • Government agencies carrying out their legal responsibilities 	

	Consider: Referral for Enforcement	Implicates UPL and Public Harm
10	Nonlawyer holds himself or herself out as entitled to practice law	
11	Disbarred lawyer continuing to practice law	
12	Giving advice or counsel to others about their legal rights or responsibilities or responsibilities of others	
13	Selecting, drafting or offering to draft legal pleadings for others	
14	Representation of others in formal 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	
15	Negotiating legal rights of others	
16	Conduct not permitted by RPC 5.5 and lawyer admitted in another jurisdiction	

Complaints Closed (11 Complaints)
Summary of Allegations
Company offered legal advice and legal services to clients that wanted to get out of time share contracts. We obtained permission to send this complaint to the Washington Attorney General's Office.(15-001)
Paralegal assisted friends in a marital dissolution and translated documents in a separate matter. Paralegal retained a lawyer who provided a declaration verifying that the paralegal only provided translation services and general legal information.(16-30 and 16-36)
Out of state attorney allegedly practicing law in Washington by assisting family member. The complainant also filed a complaint with the lawyer discipline authority in New York. The New York complaint was dismissed with a finding of no breach of the Rules of Professional Conduct. (16-31)
Manager and Registered Agent for a homeowners Association drafting/filing documents with the court. (16-42)
Veterinarian who provided incorrect information about a statute to a person. (17-06)
Oregon attorney representing an Oregon client. (17-09)
Out of state attorney providing legal services in Washington. The Board previously deferred this matter pending State's decision on a grievance alleging similar facts. State dismissed the grievance. (16-32)
California attorney working in Washington practicing federal law. (17-12)
Legal Assistant allegedly giving legal advice to daughter's boyfriend. (17-18)
A nonlawyer holding himself out as an "Attorney" in an estate matter. Judge issued an order stating the nonlawyer's actions are the unauthorized practice of law. (17-19)

Referral for Possible Investigation and Action (15 Complaints) Summary of Allegations	Referral Agency
A nonlawyer holding himself out as an attorney in Canada and the US and assisting clients in immigration application for Canada, but with services being provided in Washington State. (16-32)	Washington State Attorney General's Office, Consumer Protection Division
Out of state attorney doing lemon law cases in Washington and not informing clients of Washington AG Lemon Law Program. (16-39)	Washington State Attorney General's Office, Consumer Protection Division
Person representing buyers in a home sale – transaction failed – and wrongfully recorded the property so that he was entitled to receive a commission. (16-37)	Washington State Attorney General's Office, Consumer Protection Division, and the Real Estate Board
Person holding himself out as an attorney working as a collection agent. (16-44)	Washington State Attorney General's Office, Consumer Protection Division
Paralegal drafting parenting plan and child support documents. (17-01)	Washington State Attorney General's Office, Consumer Protection Division, and the Limited License Legal Technician Program
Person holding himself out as an attorney drafting legal documents and giving legal advice in a federal case. (17-02)	Washington State Attorney General's Office, Consumer Protection Division, and the U.S. Attorney's Office Eastern District of WA
Disbarred attorney appearing in court. (17-04)	Washington State Attorney General's Office, Pierce County Prosecutor's Office, and the WSBA Office of Disciplinary Counsel
Person not licensed to provide legal services offered to draft a Qualified Domestic Relations Order (QDRO). Client provided confidential information but did not receive QDRO. (17-05)	Washington State Attorney General's Office, Consumer Protection Division, and the Whatcom County Prosecutor's Office
Inactive out of state attorney assisting and preparing legal documents in Washington. (17-03)	California State Bar
Person representing client in court as a "Representative and Advocate". (17-11)	Washington State Attorney General's Office, Consumer Protection Division
Company offered legal advice and legal services to clients that wanted to get out of timeshare contracts. (17-14)	Washington State Attorney General's Office, Consumer Protection Division

Nonlawyer providing immigration services. Anonymous complaint. (14-33)	Washington State Attorney General's Office, Consumer Protection Division
Tax preparer allegedly giving legal advice and drafting legal documents. (17-17)	Washington State Attorney General's Office, Consumer Protection Division, and Department of Licensing
Person holding himself out to practice law in Washington and in Tribal Court. (17-13)	Washington State Attorney General's Office, Consumer Protection Division
Person providing tax and immigration services. (17-16)	Washington State Attorney General's Office, Consumer Protection Division

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 8, 2018
RE: Appointment to Legal Foundation of Washington Board

ACTION: Appoint Frederick B. Rivera to the Legal Foundation of Washington (LFW) Board, term to begin immediately upon appointment through December 31, 2019.

Attached please find a request from Caitlin Davis, Executive Director of the Legal Foundation of Washington, to appoint Frederick B. Rivera to the LFW Board, for an unexpired term on their Board. This appointment is being taken out of cycle because it is an unexpired term. The filling of the full term, upon conclusion of the unexpired term, will follow the normal WSBA nomination process.



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President

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Kara Masters

Charles A. Goldmark
Trustee 1984-1986

Caitlin W. Davis
Executive Director

May 3, 2018

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

RE: Appointment of Fred Rivera to the Legal Foundation of Washington Board

Dear Governors:

The Legal Foundation of Washington (LFW) has a nine-member Board of Trustees, three of whom are appointed by the Board of Governors; three of whom are appointed by the Governor of the State of Washington; and three of whom are appointed by the Washington Supreme Court.

In January, one of the appointees of the Board of Governors, Russ Aoki, resigned prior to the end of his term. LFW requests that the Board of Governors appoint Fred Rivera to the unfilled term of Russ Aoki. The unfilled term would last until December 31, 2019, at which point Mr. Rivera would be eligible, and could re-apply to the Board of Governors, for another term if he chooses.

Attached is a copy of our original request for this appointment as well as a copy of Mr. Rivera's biography. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Caitlin W. Davis". The signature is fluid and cursive, with the first name being the most prominent.

Caitlin W. Davis
Executive Director

Caitlin Davis

From: Caitlin Davis
Sent: Wednesday, January 24, 2018 11:46 AM
To: 'pami@wsba.org'
Subject: LFW-replacement board member

Hi Pam,

Here is a brief biography of Fred Rivera. (<https://www.mcca.com/mcca-people/fred-rivera/>) We seek the BOG's approval of our request for Fred Rivera to be appointed to the unfilled term of Russ Aoki, who resigned at the first of the year. This unfilled term would last until 12/31/19, at which point Mr. Rivera could re-apply to the BOG for another term if he chooses. Please let me know if you have any questions, and thanks for your help.

Caitlin

Caitlin W. Davis
Executive Director
Legal Foundation of Washington

**[Register now for the
2018 Goldmark Award Luncheon!](#)**



**Fred Rivera**

**Executive Vice President and General Counsel
Seattle Mariners**



Fred Rivera is the Executive Vice President and General Counsel for the Seattle Mariners. Fred joined the Mariners from the Perkins Coie law firm, where he served as the Managing Partner of the firm's Seattle office. Fred is responsible for overseeing all of the Mariners' legal affairs, both in the baseball and business operations of the franchise, government relations, human resources, and community relations. Rivera began his legal career in 1993 as a trial attorney in the Civil Rights Division of the U.S. Department of Justice. He joined Perkins Coie in 1998 and, except for two years when he served as Vice President in charge of internal investigations at Fannie Mae (2006-2008), spent 18 years with the firm.

Rivera has been selected for recognition in the U.S. News-Best Lawyers in America®. He is a past president of the Latina/o Bar Association of Washington, regional president of the Hispanic National Bar Association, and was a trustee with the King County Bar Association. Fred is currently a member of the Board of Directors of the Downtown Seattle Association, ArtsFund and the United Way of King County.

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

Date: May 1, 2018
To: Board of Governors
From: Angela Hayes, Personnel Committee Chair
Re: Executive Director Succession Plan

ACTION: Adopt the Executive Director Succession plan as recommended by the BOG Personnel Committee.

The Board of Governors Personnel Committee has been working over the past year developing a procedure to manage the succession process in the eventuality of the vacancy in the Executive Director position (see attached). At the March 8, 2018, Board meeting the committee presented the succession plan adopted by the BOG Personnel Committee. The committee is requesting board adoption of this plan.

WSBA Executive Director Succession Plan

- A. **Purpose:** Executive transition is a pivotal point in an organization that exerts a profound influence on the organization's performance. Failure to plan for succession well in advance of an executive search can result in chaos if the Executive Director abruptly departs or if a departure is imminent without a plan in place to address the transition.

The purpose of the Washington State Bar Association ("WSBA") Executive Director ("ED") Succession Plan is to outline and formalize the process for an effective leadership transition upon the Executive Director's planned resignation or departure. It is anticipated that this plan will be implemented in the event the Executive Director is not returning to the position.

NOTE: In the event of the ED's **sudden death, departure, incapacitation and/or extended absence**, The *Executive Director Management Succession Plan* found at Appendix 1 to the Disaster Recovery Plan should be consulted.

- B. **Guiding Principles:** A successful succession plan process includes several key principles:
1. Succession planning is an ongoing, multi-faceted, long-term process. Succession planning precedes an executive transition. The *search* for a new ED is an intermittent event that is timeline-driven. *Succession planning* reflects an ongoing, continuous process that is implemented to create conditions for the incumbent ED to succeed; to understand the organization's current and future strategy; and to ensure a sound infrastructure is in place when an ED search is launched.
 2. Succession planning should be focused on the long-term strategy of the organization. Effective ED succession planning should be viewed as a crucial step toward executing the WSBA's long-term goals.
 3. ED succession planning should be part of a holistic approach to the organization's governance, and should be considered an ongoing and adaptive process, rather than a reaction to a specific event. This planning should be regarded as one component of a broader management plan put into place to execute the organization's long-term mission.
 4. The WSBA Board of Governors should lead the succession planning, in collaboration with the Executive Management Team and the current ED.
 5. In considering candidates for the ED position, the WSBA Board of Governors should balance the benefits of hiring internal candidates against the benefits of recruiting

candidates outside of the WSBA. In any event, internal talent development, including attracting and cultivating the right individuals, is critical to an effective succession planning.

C. Framework for Executive Director Succession Planning Process:

1. **Assess the organization's strategic needs:** The WSBA has a well-articulated mission for the organization and strategic goals. If necessary, the Board may consider conducting an organizational assessment which may include a review of the organization's mission, guiding principles, financing, governance, management, communications, and organizational culture.
2. **Develop/Implement Communication Plan:** A communications plan should be developed and implemented in the early stages of the process to keep stakeholders informed about the status of the search and engaged where appropriate.
3. **Choose/Determine selection criteria and develop Executive Director profile:** The first step in the selection process for the next WSBA ED starts with the Personnel Committee, working with the current ED (if the committee deems appropriate) and Executive Management Team, reviewing the Executive Director position description and determining if the position description reflects the necessary experience, professional capabilities, and personal characteristics of the organization's next leader. The Personnel Committee should be translating the assessment of the organization's strategic needs (from Step 1) into the personal and professional competencies desired from the next ED that match the WSBA's core needs (selection criteria). The Personnel Committee should also consider those core competencies that have been developed and used as an evaluation tool for the current ED (attached as Exhibit ***). Input regarding any additional or modified selection criteria should be solicited from the current ED (if the committee deems appropriate) and Executive Management Team. General selection criteria categories may include, but not limited to:
 - i. Integrity
 - ii. Leadership style
 - iii. Temperament and motivational factors
 - iv. Insight into oneself and others
 - v. Interpersonal relations and communication
 - vi. Problem-solving capabilities
4. **Identify Potential Internal and External Candidates:** The Personnel Committee should either develop a recommendation to the BOG for the appointment of a selection committee or serve as the selection committee. The selection committee would be responsible for making the following determinations and managing the recruitment process to include:

- i. Should the ED be involved in the selection process and if so what would the ED's involvement be;
 - ii. Should an outside search firm be engaged or should WSBA Human Resources ("HR") recruiting provide support to the selection committee;
 - iii. How will the initial screening of candidates be handled in light of the organization's overall mission and organizational culture.
- 5. **Compile list of Candidates/Conduct Interviews:** The designated selection committee will manage the selection process, which will include:
 - a. Screening initial applications and potential internal candidates to move through an interview process;
 - b. Conducting a series of interviews for a selected "short list" of candidates with the BOG as determined by the selection committee, which shall include unless otherwise decided by the committee : the Executive Management Team, WSBA employees, and/or other stakeholders;
 - c. Evaluation of the feedback from the interview groups and reference information (gathered by consultant search firm or WSBA HR) in order to make the final selection decision for recommendation to the BOG for a decision. Ideally this recommendation should include referral of no more than three candidates to the BOG for final consideration.
- 6. **Select candidate and agree on new Executive Director Contract:** The BOG's final selection decision should be made preferably during an in-person meeting with the selection committee, so the BOG can hear the selection committee's detailed thinking about the qualifications and suitability of any recommended candidates. The BOG will need to finalize the terms of the ED contract, including the compensation range authorized for negotiation with the candidate. With support from WSBA HR, the chair of the selection committee will handle negotiation with the selected candidate to final acceptance of the job offer.
- 7. **Announce Candidate Selection:** As part of the on-going communications plan (See Step 2), an announcement should be made regarding the appointment of the new ED.
- 8. **Develop/Implement transition plan for new Executive Director:** The Board may consider the following to assist with the transition:
 - i. Establish a Leadership Transition Team (the Personnel Committee may serve in this capacity): each member of the transition team should act as a liaison to specific stakeholders within the organization throughout the transition; a communications plan is developed to introduce the new ED.
 - ii. Provide a formal orientation program for the new ED.
 - iii. Agree on written goals and expectations for the new ED.
 - iv. Contracting with the current Executive Director to assist with the transition process and on-boarding of the new Executive Director.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Sean Davis, General Counsel
DATE: May 10, 2018
RE: Proposed WSBA Bylaw Amendments

ACTION: Approve Proposed WSBA Bylaw Amendments re President's and Governors' Authority.

Amendments to the WSBA Bylaws were proposed at the March 19, 2018, Board of Governors meeting for first reading. The amendments included eliminating public members on the Board, requiring Limited License Legal Technicians (LLLTs) and Limited Practice Officers (LPOs) to run for the Board in open Congressional District elections, curtailing the authority of the WSBA President, expanding the authority of the Board, reorganizing the Board Executive Committee, restricting voting in committees, and clarifying the establishment of a quorum of the Board.

At its April 6, 2018, Special Meeting, the Board voted to remove the proposed Bylaw amendments regarding elimination of public members on the Board and requirement of LLLTs and LPOs to run for the Board in open Congressional District elections for consideration by the Board at this time, and to form a Work Group to gather information regarding these proposed amendments that focus on the three new Governor seats and report to the Board prior to the Board making a decision on this item.

The attached summary and proposed redlined Bylaw amendments, which were originally in the March 19, 2018, Board Special Meeting materials, have been edited to reflect the Board's decision at its April 6, 2018, Special Meeting. Please note that the attached Bylaws that were used to redline the proposed amendments are up to date as of January 26, 2017. Since that time, further amendments regarding the Immediate Past-President and the President-elect were approved by the Board and are noted below:

Article IV (B) (7) (a) (3) Immediate Past President

Upon disqualification, removal, or resignation of the Immediate Past President, the office will remain vacant until the close of the term of the then-current President. If the office of Immediate Past President would otherwise become vacant because the President was removed or resigned during his or her term, the most recent Immediate Past President will remain in office for another term. If the most recent Immediate Past President is unable or unwilling to serve another term, the President may appoint, subject to approval of the BOG, a person eligible to serve as an officer to act as Immediate Past President for the otherwise vacant term. This appointment may be done prior to the start of the otherwise vacant term, but the appointed Immediate Past President will not assume office until the close of the term of the then-current Immediate Past President. If the appointment is done after the otherwise vacant term begins, the appointed Immediate Past President will assume office immediately upon BOG approval.

Article VI (D) (2) Office of President-elect

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year, where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

MEMORANDUM

FROM : DAN BRIDGES, Governor District 9
RAJEEV MAJUMDAR, Governor District 2

TO : WSBA BOARD OF GOVERNORS

RE : PROPOSED BY-LAW AMENDMENTS

Dear Board:

We are proposing that the attached amendments be considered and voted on in the normal course. To assist your consideration, they are comprised of the following:

1. Clarifying a quorum is required for a vote to be valid. *Art II, p. 4.*
2. Affirming the authority of the WSBA, except where limited by statute, order, or court rule, resides with and is retained by the Board. *Art. 4, p. 27.*
3. 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. *Art. 4, p. 30, Art. 7, p. 53.*
4. Reorganizing Executive Committee to include one member from each class. Clarifying the notice required to call a special Executive Committee meeting. *Art. 7, p. 53-54.*
5. 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. *Art. 7, p. 48-50.*
6. Aligning who may vote on standing Board committees to those who may vote at Board meetings. Allowing committees to select their own chairperson. *Art. 4, p. 33, p. 44, Art. 5, p. 38.*
- ~~6. Allowing LLLTs to run for any district governorship. Repealing adding three new governors. *Art. 4, p. 27, Art 5, p. 38-40, 43.* Current at large governors are unchanged.~~

Per Board action as reflected in the April 6, 2018, Board Meeting Public Session Minutes, the above-struck item regarding the three new Governor seats was removed from this Action Plan and a Work Group is being formed to gather information and report to the Board prior to the Board making a decision on this item.

7. Requiring more detail in the Board's minutes. *Art. 7, p. 47.*

BYLAWS

Washington State Bar Association

Note: This edition of the Bylaws of the Washington State Bar Association includes the comprehensive review of the Bylaws adopted by the Board of Governors on September 24, 2010, and all other amendments approved by the Board of Governors through January 26, 2017.

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I. FUNCTIONS

A. PURPOSES: IN GENERAL

In general, the Washington State Bar Association (Bar) 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 admissions, regulation, and discipline of lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs) 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 organization, 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 organization 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 lawyers, LLLTs, and LPOs, including receiving and investigating complaints of misconduct, 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 lawyer, LLLT, and LPO trust accounts;
13. Maintain a client protection fund 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 Bar, 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.

II. DEFINITIONS AND GENERAL PROVISIONS

A. HEADQUARTERS

The office of the Bar will be maintained in the State of Washington.

B. SEAL

The Bar will have a Seal having the words and figures of "The Washington State Bar Association—June 7, 1933." The Seal will remain in the control of the Executive Director at the office of the Bar.

C. FILING PAPERS WITH THE BAR

Whenever these Bylaws require that petitions, notices, or other documents be filed with the Bar, or served upon the Board of Governors (BOG) or the Executive Director, they must be filed at the office of the Bar.

D. COMPUTATION OF TIME

If any date specified in these Bylaws is a Saturday, Sunday, or legal holiday observed by the Bar, it refers to the next regular business day. Legal holidays observed by the Bar may differ from the legal holidays statutorily designated by the state Legislature.

E. DEFINITIONS AND USE OF TERMS

Unless otherwise specifically stated herein,

1. "Days" means calendar days.
2. "Quorum" means the presence of a majority of the voting membership (i.e., half the voting members plus one). A Quorum must be present when a vote is taken.
3. "Excused absence" means an absence excused by the President or presiding officer.
4. "Writing" includes email and fax.
5. "Electronic means" includes email, fax, video conferencing, and telephone; however, in the context of meetings, "electronic means" is limited to video conferencing and telephone.
6. "Bar records" and/or "Bar documents" means documents or records maintained by the Bar, whether in printed or electronic form.
7. When used in connection with a particular act or event, the terms "active membership" or "active members" refers to the Active membership at the time of the act or event.
8. "APR" refers to the Admission and Practice Rules.
9. "ELC" refers to the Rules for Enforcement of Lawyer Conduct.
10. "Member" means an individual in any of the groups of licensed legal professionals specified in Article III(A) of these Bylaws, unless otherwise specified.
11. "May" means "has discretion to," "has a right to," or "is permitted to."
12. "Must" means "is required to."

III. MEMBERSHIP

A. MEMBER LICENSE TYPES

1. Members of the Washington State Bar consist of these types of licensed legal professionals:
 - a. Lawyers admitted to the Bar and licensed to practice law pursuant to APR 3 and APR 5;
 - b. Limited License Legal Technicians; and
 - c. Limited Practice Officers.

Members of one type do not automatically qualify to be or become a member of another type, and in order to become a member of another type the member must comply with the requirements for admission as a member of that type.

2. Lawyers licensed to practice law in Washington pursuant to APR 8 (except Emeritus Pro Bono members) and APR 14, or who are permitted to practice pursuant to RPC 5.5 without being licensed in Washington are not members of the Bar.
3. Membership in the Bar ends when a member is disbarred or the equivalent, the member resigns or otherwise terminates his or her license, or when the member's license is revoked or terminated for any reason.

B. STATUS CLASSIFICATIONS

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

1. Active

Any member who has been duly admitted by the Supreme Court to the practice of law in Washington State who complies with these Bylaws and the Supreme Court rules applicable to the member's license type, and who has not changed to another status classification or had his or her license suspended is an Active member.

- a. Active membership in the Bar grants the privilege to engage in the practice of law consistent with the rules governing the member's license type. Upon payment of the Active annual license fee and assessments required for the member's license type, compliance with these Bylaws and the applicable Supreme Court rules, and compliance with all other applicable licensing requirements, Active members are fully qualified to vote, hold office and otherwise participate in the affairs of the Bar as provided in these Bylaws.
- b. Active members may:

- 1) Engage in the practice of law consistent with the rules governing their license type;
 - 2) Be appointed to serve on any committee, board, panel, council, task force, or other Bar entity;
 - 3) Vote in Bar matters and hold office therein, as provided in these Bylaws;
 - 4) Join Bar sections as voting members; and
 - 5) Receive member benefits available to Active members.
- c. All persons who become members of the Bar must first do so as an Active member.

2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, or serve on any committee or board.

- a. Inactive members may:
- 1) Join Bar sections as non-voting members,
 - 2) Continue their affiliation with the Bar;
 - 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
 - 4) Request a free subscription to the Bar's official publication; and
 - 5) Receive member benefits available to Inactive members.
- b. Types of Inactive membership:
- 1) *Inactive Member*: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. Unless otherwise stated in the APR, they are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership.

- 2) *Disability*: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
 - 3) *Honorary*: All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may elect to become Honorary members of the Bar. Honorary members are not required to pay a license fee. A member who otherwise qualifies for Honorary membership but wants to continue to practice law in any manner must be an Active member or, if applicable, an Emeritus Pro Bono member.
3. Judicial [*Effective January 1, 2012*]
- a. An Active member may qualify to become a Judicial member if the member is one of the following:
 - 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
 - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
 - 3) A current senior status or recall judge in the courts of the United States;
 - 4) An administrative law judge, which is defined as either:
 - (a) Current federal judges created under Article I of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
 - (b) Full-time Washington State administrative law judges in positions created by either the Revised

Code of Washington or the Washington
Administrative Code; or

- 5) A current Tribal Court judge in the State of Washington.
- b. Members not otherwise qualified for Judicial membership under (1) through (5) above and who serve full-time, part-time or ad hoc as *pro tempore* judges, commissioners or magistrates are not eligible for Judicial membership.
- c. Judicial members, whether serving as a judicial officer full-time or part-time, must not engage in the practice of law and must not engage in mediation or arbitration for remuneration outside of their judicial duties.
- d. Judicial members:
 - 1) May practice law only where permitted by the then current Washington State Code of Judicial Conduct as applied to full-time judicial officers;
 - 2) May be appointed to serve on any task force, council or Institute of the Bar;
 - 3) May receive member benefits provided to Judicial members; and
 - 4) May be non-voting members in Bar sections, if allowed under the section's bylaws.
 - 5) Judicial members are not eligible to vote in Bar matters or to hold office therein.
- e. Nothing in these Bylaws will be deemed to prohibit Judicial members from carrying out their judicial duties.
- f. Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer:
 - 1) must provide the member registry information required of other members each year unless otherwise specified herein, and provide the Bar with any changes to such information within 10 days of any change; and

- 2) must annually pay any required license fee that may be established by the Bar, subject to approval by the Supreme Court, for this membership status. Notices, deadlines, and late fees will be consistent with those established for Active members.
- g. Judicial members must inform the Bar within 10 days when they retire or when their employment situation has otherwise changed so as to cause them to be ineligible for Judicial membership, and must apply to change to another membership status or to resign.
 - 1) Failure to apply to change membership status or to resign within ten days of becoming ineligible for Judicial membership, when a Judicial member has annually maintained eligibility to transfer to another membership status, is cause for administrative suspension of the member.
 - 2) A Judicial member who has not annually complied with the requirements to maintain eligibility to transfer to another membership status and who is no longer eligible for Judicial membership who fails to change to another membership status will be deemed to have voluntarily resigned.
- h. Administrative law judges who are judicial members must continue to comply with APR 11 regarding MCLE. Either judicial continuing education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- i. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.
- j. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.
4. Emeritus Pro Bono

A member may become an Emeritus Pro Bono member by complying with the requirements of APR 8(e), including payment of any required license fee and passing a character and fitness review.

Emeritus Pro Bono members must not engage in the practice of law except as permitted under APR 8(e), but may:

- a. Be appointed to serve on any task force, council, or Institute of the Bar. In addition, up to two Emeritus Pro Bono members are permitted to serve on the Pro Bono Legal Aid Committee (PBLAC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
- b. Join Bar sections,
- c. Request a free subscription to the Bar's official publication; and
- d. Receive member benefits available to Emeritus Pro Bono members.

5. Suspended

Members of any type and status can have their membership suspended by order of the Washington Supreme Court. Although suspended members remain members of the Bar, they lose all rights and privileges associated with that membership, including their authorization and license to practice law in Washington.

C. REGISTER OF MEMBERS

1. All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:
 - a. physical residence address;
 - b. physical street address for a resident agent if required to have one pursuant to these Bylaws or by court rule;
 - c. principal office address, telephone number, and email address;
 - d. such other data as the BOG or Washington Supreme Court may from time to time require of each member

and must promptly advise the Executive Director in writing of any change in this information within 10 days of such change. Judicial members are not required to provide a physical residence address.

2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:
 - a. physical residence address furnished by the member;
 - b. principal office address, telephone number, and email address furnished by the member;
 - c. physical street address of any resident agent for the member;
 - d. date of admittance;
 - e. type and status of membership;
 - f. date of transfer(s) from one status to another, if any;
 - g. date and period(s) of administrative suspensions, if any;
 - h. date and period of disciplinary actions or sanctions, if any including suspension and disbarment;
 - i. such other data as the BOG or Washington Supreme Court may from time to time require of each member.
 3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.
 4. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.
- D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE
1. Members may change membership status as provided below. In some situations, LLLTs and LPOs will need to refer to the APR for the appropriate procedure.
 - a. Transfer from Inactive to Active.

- 1) An Inactive member or Honorary member may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information;
 - (b) earning, within the six years preceding the return to Active status, and reporting the total number of approved-MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;
 - (c) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
 - (d) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
- 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three years preceding the return to Active status. In addition, lawyer members must complete a reinstatement/readmission course sponsored by the Bar and accredited for a minimum

of 15 live CLE credits, which course must comply with the following minimum requirements:

- (a) At least four to six credit hours regarding professional responsibility and Washington's Rules of Professional Conduct, to include proper handling of client funds and IOLTA and other trust accounts, communications with clients, etc.; and
- (b) At least three credit hours regarding legal research and writing.
- (c) The remaining credit hours will cover areas of legal practice in which the law in Washington may be unique or may differ significantly from the law in other U.S. jurisdictions, or in which the law in Washington or elsewhere has changed significantly within the previous 10 years.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/admission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any lawyer member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 3 in any jurisdiction for more than ten consecutive years, is required to complete the requirements in paragraphs a.1.a, c, and d, above, and is also required to take and pass the Uniform Bar Examination and the Multistate Professional Responsibility Examination.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their

license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

- 5) A member of any type who has transferred to Inactive status during the pendency of grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the Rules for Enforcement of Lawyer Conduct or other applicable disciplinary rules.

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

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

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information;
 - (b) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year;
 - (c) passing a character and fitness review essentially equivalent to that required of applicants for admission to the Bar, pursuant to APR 20-24.3. Judicial members seeking to transfer to Active must disclose at the time of the requested transfer any

pending public charges and/or substantiated public discipline of which the member is aware; and

- (d) complying with the MCLE requirements for members returning from Inactive to Active, except that the member must complete a one-day reinstatement/readmission course tailored to judges, to include lawyer ethics and IOLTA requirements among other topics, if a Judicial member for six or more consecutive years. Administrative law judge Judicial members shall complete the 15 credit reinstatement/readmission course required of Inactive lawyers if a Judicial member for six or more consecutive years. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.

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

c. Transfer from Emeritus Pro Bono to Active

An Emeritus Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Emeritus Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

E. CHANGE OF MEMBERSHIP STATUS TO INACTIVE

1. LLLT members and LPO members may change their membership status to Inactive as provided in the applicable APR.
2. Any lawyer member who is an Active, Judicial, or Emeritus Pro Bono member and who is not Suspended will become an Inactive member when the member files a request for Inactive membership with the Bar, in such form and manner as the Bar may require, and that request is approved.

Effective January 1, 2012, a Judicial member wishing to transfer to Inactive member status upon leaving service as a judicial officer, who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Inactive, be required to pay the Active license fee for lawyer members for any years the registry information was not provided or the Judicial fee was not paid.

3. Members are transferred to Disability Inactive pursuant to Title 8 of the Rules for Enforcement of Lawyer Conduct or equivalent disciplinary rules applicable to the member's license type. Any member seeking to transfer from Disability Inactive to Inactive member status must first establish that the member has complied with the requirements of Title 8 of the ELC or equivalent rules applicable to the member's license type, and then must submit a written request to make the change and comply with all applicable licensing requirements for Inactive members.
4. All members who have been Active or Judicial, or a combination of Active and Judicial, members for 50 years may qualify for Honorary status. A qualified member may request to change to Honorary status by submitting a written request and any required application.
5. An Active member may apply to change from Active to Inactive status while grievances or disciplinary proceedings are pending against such member. Such transfer, however, shall not terminate, stay or suspend any pending grievance or proceeding against the member.

F. CHANGE OF MEMBERSHIP STATUS TO JUDICIAL

An Active member may request to become a Judicial member of the Bar by submitting a written request on judicial letterhead and any required application, and complying with the provisions of these Bylaws.

G. CHANGE OF MEMBERSHIP STATUS TO EMERITUS PRO BONO

A member who is otherwise retired from the practice of law may become an Emeritus Pro Bono member by complying with the requirements of APR 8(e), including payment of any required license fee, and passing a character and fitness review.

Effective January 1, 2012, a Judicial member wishing to transfer to Emeritus Pro Bono status upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or to pay the annual licensing fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Emeritus Pro Bono, be required to pay the Active license fee for any years the registry information was not provided or the Judicial fee was not paid.

H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. Unless otherwise provided in the APR, a member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the Rules for Enforcement of Lawyer Conduct or other applicable disciplinary rules. A member who resigns from the Bar cannot practice law in Washington in any manner. A member seeking reinstatement after resignation must comply with these Bylaws.

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.

a. Active Members

- 1) Effective 2010, and all subsequent years, the annual license fees for Active members will be as established by

resolution of the BOG, subject to review by the Washington Supreme Court. First time lawyer admittees who are not admitted or licensed elsewhere, who take and pass the Washington Bar exam and are admitted in the first six months of the calendar year in which they took the exam, will pay 50% of the full Active fee for that year. First time lawyer admittees not admitted or licensed elsewhere, who take and pass the Washington lawyer Bar examination and are admitted in the last six months of the calendar year in which they took the exam, will pay 25% of the full Active fee for that year. Persons not admitted elsewhere, who take and pass the lawyer Bar exam in one year but are not admitted until a subsequent year, shall pay 50% of the full Active lawyer fee for their first two license years after admission. Persons admitted as a lawyer in one calendar year in another state or territory of the United States or in the District of Columbia by taking and passing a bar examination in that state, territory, or district, who become admitted as a lawyer in Washington in the same calendar year in which they took and passed the examination, will pay 50% of the full Active lawyer fee if admitted in Washington in the first six months of that calendar year and 25% of the full active fee if admitted in Washington in the last six months of that calendar year. All persons in their first two full licensing years after admission or licensure as a lawyer in any jurisdiction will pay 50% of the full Active fee.

- 2) An Active member of the Bar who is activated from reserve duty status to full-time active duty in the Armed Forces of the United States for more than 60 days in any calendar year, or who is deployed or stationed outside the United States for any period of time for full-time active military duty in the Armed Forces of the United States will be exempt from the payment of license fees and assessments for the Client Protection Fund upon submitting to the Executive Director satisfactory proof that he or she is so activated, deployed or stationed. All requests for exemption must be postmarked or delivered to the Bar's offices on or before February 1st of the year for which the exemption is requested. Eligible members must apply

every year they wish to claim the exemption. Each exemption applies for only the calendar year in which it is granted, and exemptions may be granted for a maximum total of five years for any member. Granting or denying an exemption under this provision is within the sole discretion of the Executive Director and is not appealable.

b. Inactive Members

- 1) The annual license fee for Inactive members will be as established by resolution of the BOG and as approved by the Washington Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members will apply to Inactive members.
- 2) Honorary and Disability Inactive status members will be exempt from license fees and assessments, unless otherwise provided by Supreme Court order.

c. Judicial Members [*Effective January 1, 2012*]

Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer must pay the annual license fee established by the Bar as approved by the Supreme Court. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Judicial members; however, Judicial members are not subject to administrative suspension for nonpayment of license or late payment fees.

d. Emeritus Pro Bono Members

Emeritus/Pro Bono members must pay the annual license fee required of Inactive members with the same type of license. Except for the amount of the license fee itself, the annual license fee payment requirements, including deadlines and late payment fees, for Active members apply to Emeritus Pro Bono members.

2. Assessments

Members must pay any Client Protection Fund assessment, and any other assessments, as ordered by the Washington Supreme Court.

3. Deadline and Late Payment Fee

- a. License fees and mandatory assessments are due and payable on or before February 1st of each year, in such form and manner as required by the Bar, unless otherwise established by these Bylaws or the APR. Members who pay their license fees on or after February 2nd will be assessed a late payment fee of 30% of the total amount of the license fees required for that membership type and status. License fees for newly admitted members are due and payable at the time of admission and registration, and are not subject to the late payment fee.
- b. Notices required for the collection of license fees, late payment fees, and/or assessments will be mailed one time by the Bar to the member's address of record with the Bar by registered or certified mail. In addition to the written notices, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.

4. Rebates /Apportionments

No part of the license fees will be apportioned to fractional parts of the year, except as provided for new admittees by the BOG. After February 1st of any year, no part of the license fees will be rebated for any reason, including but not limited to death, resignation, suspension, disbarment, license termination, cancellation or revocation, or change of membership status.

5. License Fee and Assessment Exemptions Due to Hardship

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant a one-time exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable.

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.

J. SUSPENSION

1. Interim Suspension

Interim suspensions may be ordered during the course of a disciplinary investigation or proceeding, as provided in the Rules for Enforcement of Lawyer Conduct or equivalent rules for LPOs and LLLTs, and are not considered disciplinary sanctions.

2. Disciplinary Suspension

Suspensions ordered as a disciplinary sanction pursuant to the Rules for Enforcement of Lawyer Conduct or equivalent rules for LPOs and LLLTs are considered disciplinary suspensions.

3. Administrative Suspension

- a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these Bylaws, a member may be administratively suspended for the following reasons:
 - 1) Nonpayment of license fees or late-payment fees;
 - 2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);
 - 3) Failure to file a trust account declaration;
 - 4) Failure to file an insurance disclosure form;
 - 5) Failure to comply with mandatory continuing legal education requirements;
 - 6) Nonpayment of child support;
 - 7) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
 - 8) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and

- 9) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, or other applicable rules, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
 - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by registered or certified mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
 - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
- d. As directed by the Washington Supreme Court, any member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

4. Multiple Suspensions

A member may be suspended from membership and from the practice of law for more than one reason at any given time.

K. CHANGING STATUS AFTER SUSPENSION

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. If a member was suspended from practice for more than one reason, all requirements associated with each type of suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
 - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
 - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3; and

- c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change.
- d. In addition to the above requirements:
 - 1) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for less than six consecutive years must establish that within the six years prior to the return to active status, the member has earned and reported approved MCLE in a manner consistent with the requirements for one reporting period for an Active member with the same license type. However, if the member has been Suspended and/or Inactive for one year or less and the member was required to report MCLE compliance during the time the member was Suspended and/or Inactive, the member must establish that the member is compliant with the MCLE credits the member would have been required to report that period.
 - 2) Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, lawyer members must complete a reinstatement/readmission course sponsored by the Bar and accredited for a minimum of 15 live CLE credits, which course must comply with the following requirements:
 - (a) At least four to six credit hours regarding law office management and professional responsibility and Washington's Rules of Professional Conduct, to include proper handling of client funds and IOLTA and other trust accounts, communications with clients, law practice issues, etc., and
 - (b) At least three credit hours regarding legal research and writing.

- (c) The remaining credit hours will cover areas of legal practice in which the law in Washington may be unique or may differ significantly from the law in other U.S. jurisdictions, or in which the law in Washington or elsewhere has changed significantly within the previous 10 years.

Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

L. REINSTATEMENT AFTER DISBARMENT OR REVOCATION

Applicants seeking reinstatement after disbarment or revocation must file a petition for reinstatement and otherwise comply with the requirements of the APR relating to reinstatement after disbarment or revocation. If the petition is granted and reinstatement is recommended, the petitioner must take and pass the required examination for admission and comply with all other admission and licensing requirements applicable to the member's license type for the year in which the petitioner is reinstated.

M. REINSTATEMENT AFTER RESIGNATION IN LIEU OF DISCIPLINE, DISBARMENT, OR REVOCATION

No former member will be allowed to be readmitted to membership of any type after entering into a resignation in lieu of discipline, disbarment, or revocation pursuant to the ELC or disciplinary rules applicable to the member's license type. Persons who were allowed to resign with discipline pending under former provisions of these Bylaws prior to October 1, 2002, may be readmitted on such terms and conditions as the BOG determines, provided that if the person resigned with discipline pending and a prior petition for reinstatement or readmission has been denied, no petition may be filed or accepted for a period of two years after an adverse decision on the prior petition for reinstatement or readmission.

N. READMISSION AFTER VOLUNTARY RESIGNATION

Any former member who has resigned and who seeks readmission to membership must do so in one of two ways, unless otherwise provided by the applicable APR for the member's license type: by filing an application for readmission in the form and manner prescribed by the BOG, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former

member is licensed in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member filing an application for readmission after voluntary resignation must:
 - a. pay the application fee, together with such amount as the BOG may establish to defray the cost of processing the application and the cost of investigation; and
 - b. establish that such person is morally, ethically and professionally qualified to be licensed in the applicable member type and is of good moral character and has the requisite fitness to practice consistent with the requirements for other applicants for admission to practice in the applicable membership type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission.
 - c. In addition to the above requirements, if an application for readmission is granted and:
 - i) it has been less than four consecutive years since the voluntary resignation, the applicant must establish:
 - 1) that within the three years prior to the return to Active status the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and
 - 2) attend and complete the BOG-approved reinstatement/readmission course.
 - ii) it has been four or more consecutive years since the voluntary resignation, the petitioner must take and pass the applicable examination required for admission.
 - d. Upon successful completion of the above requirements, the member must pay the license fees and assessments and complete

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

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

O. EXAMINATION REQUIRED

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

IV. GOVERNANCE

A. BOARD OF GOVERNORS

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

1. Composition of the Board of Governors

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

2. Duties

Comment [MS1]: A BOG Work Group is considering an amendment that would return the number of At-Large positions to three and will report to the BOG prior to the BOG making a decision on the proposed amendment to this item.

- a. The BOG elects the President-elect of the Bar.
- b. The BOG selects the Bar's Executive Director and annually reviews the Executive Director's performance.
- c. Regardless of the method by which any person is selected to serve on the BOG, each Governor will act in the best interest of all members of the Bar and the public. Each Governor is primarily obligated to ensure that the Bar fulfills the mandate set forth in General Rule 12.1, carries out the mission of the Bar, and operates in accordance with the Bar's Guiding Principles.
- d. Each Governor is expected to engage with members about BOG actions and issues, and to convey member viewpoints to the Board. In representing a Congressional District, a Governor will at a minimum: (1) bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar; and (2) bring information to the members in the district that promotes appreciation of actions and issues affecting the membership as a whole, the public and the organization.
- e. Each Governor appointed to serve as a BOG liaison to a committee, task force, council, section, board, or other entity has the responsibility to fulfill those liaison duties on behalf of the BOG. Governors appointed to serve as BOG liaisons are not voting members of those entities. BOG liaisons must not be excluded but will not participate in those entities' executive sessions or confidential deliberations except when requested to do so as a resource.
- f. Meetings of the BOG will be held as provided in these Bylaws. Each Governor must attend all board meetings except in cases of emergency or compelling circumstance that prevents participation.

3. Term

Governors will assume their duties at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected. Governors serve a term of three years, except as may be otherwise provided by these Bylaws.

4. Vacancy

- a. A vacancy may arise due to resignation, death, removal by BOG, or recall by members.
 - 1) Removal by the Board of Governors. Any Governor may be removed from office for good cause by a 75% vote of the entire BOG exclusive of the Governor subject to removal, who will not vote. The vote will be by secret written ballot. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
 - 2) Recall by Members. Any Governor may be removed from the BOG by a recall by members, in accordance with the procedures set forth in these Bylaws.
- b. Response to a Vacancy
 - 1) If a vacancy occurs for any reason and 12 months or less remain in that Governor's term, in the BOG's sole discretion the position may remain vacant until the next regularly scheduled election for that Governor position. In that event, no interim governor will be elected or appointed to the position.
 - 2) If a vacancy occurs due to resignation, death, or the removal of a Governor by the BOG, and more than 12 months remain in that Governor's term, the BOG must elect a candidate eligible for that position to serve as Governor until the next regularly scheduled election for that Governor position.
 - 3) If a Governor is removed due to recall and more than 12 months remain in that Governor's term, a special election will be conducted using the general procedures set forth in the "Election of Governors from Congressional Districts" provisions of these Bylaws. The application period for any special election held pursuant to this paragraph must be no less than 30 days and must, at a minimum, be prominently posted on the Bar's website and e-mailed to all members eligible to vote in the election.

- 4) Regardless of whether a special election will be held to fill a Governor position that is vacant due to recall by the members, such position will not be filled by any interim governors selected by the BOG or appointed by the President.

B. OFFICERS OF THE BAR

The officers of the Bar consist of a President, President-elect, Immediate Past-President, and Treasurer. The Executive Director of the Bar serves as secretary in an *ex officio* capacity. Except for the Executive Director, all officers must be Active lawyer members of the Bar.

1. President

The President is the chief spokesperson of the Bar, and presides at all meetings of the BOG. 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; take action to execute the policies established by the BOG; assign Governors as liaisons to Bar sections, committees, or task forces, specialty bar associations, and other law related organizations; and to appoint task forces, BOG committees, or other ad hoc entities to carry out policies established by the BOG. The President also performs any other duties typically performed by an organization's President. The President may vote only if the President's vote will affect the result. The President must present a report to the membership covering the principal activities of the Bar during the President's tenure.

2. President-elect

The President-elect performs the duties of the President at the request of the President, or in the absence, inability, recusal, or refusal of the President to perform those duties. The President-elect also performs such other duties as may be assigned by the President or the BOG. The President-elect is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.

3. Immediate Past President

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

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

4. Treasurer

The Treasurer chairs the Budget and Audit Committee and is responsible for ensuring that the BOG and officers are informed about the finances of the Bar. The Treasurer will perform the duties of the President in the absence, inability, recusal, or refusal of the President and the President-elect to perform those duties. The Treasurer also performs such other duties as are assigned by the President or the BOG.

5. Executive Director

The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: (1) hiring, managing and terminating Bar personnel, (2) negotiating and executing contracts, (3) communicating with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters, (4) preparing an annual budget for the Budget and Audit Committee, (5) ensuring that the Bar's books are kept in proper order and are audited annually, (6) ensuring that the annual audited financial report is made available to all Active members, (7) collecting debts owed to the bar and assigning debts for collection as deemed appropriate, (8) acquiring, managing, and disposing of personal property related to the Bar's operations within the budget approved by the BOG, (9) attending all BOG meetings, (10) reporting to the BOG regarding Bar operations, (11) ensuring that minutes are made and kept of all BOG meetings, and (12) performing such other duties as the BOG may assign. The Executive Director serves in an *ex officio* capacity and is not a voting member of the BOG.

6. Terms of Office

- a. The President-elect is elected by the BOG, as set forth in these Bylaws. The President-elect succeeds the President unless removed from office pursuant to these Bylaws.
- b. The President-elect and Treasurer take office at the close of the final regularly scheduled BOG meeting of the fiscal year in which they were elected to those positions. The President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President-elect. The Immediate Past President takes office at the close of the final regularly scheduled BOG meeting of the fiscal year in which he or she served as President.

- c. The term of office of each officer position is one year; however, the Executive Director serves at the direction of the BOG and has an annual performance review.

7. Vacancy

- a. The President, President-Elect, Immediate Past President, and Treasurer may resign or be removed from office for good cause by an affirmative vote of 75% of the entire BOG. Good cause for removal includes, without limitation, incapacity to serve, serious or repeated failures to meet the duties outlined in these Bylaws, or conduct or activities that bring discredit to the Bar.
 - 1) Upon removal or resignation of the President, the President-elect will fill the unexpired term of the President and then serve the term for which he or she was elected President. If there is no President-elect, then the BOG will elect such other person as it may determine, with the Treasurer performing the duties of the President until the BOG elects a new President.
 - 2) Upon removal or resignation of the President-elect, or ascendancy of the President-elect to the Presidency pursuant to paragraph (1) above, the BOG will elect a new President-elect (from Eastern Washington if the President-elect is mandated to be from Eastern Washington per these Bylaws).
 - 3) Upon disqualification, removal, or resignation of the Immediate Past President, the office will remain vacant until the close of the term of the then-current President.
 - 4) Upon removal or resignation of the Treasurer, the BOG will elect a new Treasurer pursuant to the procedures set forth in these Bylaws.
- b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the

dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained.

C. BOARD OF GOVERNORS COMMITTEES

1. The BOG may delegate work to BOG standing committees, special committees, work groups, or other subgroups however defined, the membership of which will be established by the President with due consideration given to Governors' membership requests. The BOG standing committees include, at a minimum, the following: Executive Committee; Awards Committee; Budget and Audit Committee; Legislative Committee; Personnel Committee; and Diversity Committee.
2. The purpose of BOG committees, regardless of what they are called, is to make recommendations and make the work of the BOG more efficient. Consensus should govern meetings of BOG committees whenever possible. If a BOG committee is unable to reach a consensus, the committee will vote. 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, in which case voting members are as follows: Governors and officers appointed to BOG committees are voting members. Bar staff are non-voting members of BOG committees or other Bar entities, unless the Chair determines otherwise at the Chair's discretion.
3. Meetings of BOG committees are open to the public, unless provided otherwise in these Bylaws or by court rule. The ability to participate in and comment at BOG committee meetings is in the discretion of the Chair as provided in these Bylaws.
4. BOG Legislative Committee
 - a. Purpose: The BOG Legislative Committee is authorized to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation.
 - b. Membership: The President appoints the Committee, which consists of the following voting members:
 - 1) Eight Governors, including the Treasurer;

- 2) the President;
- 3) the President-elect; and
- 4) the Immediate Past President.

The ~~Committee shall select its chair from President selects the Chair from among~~ the Governors appointed to the Committee with the exception of Treasurer who shall preside over the Budget and Audit Committee.

- c. Procedure: Consideration of legislation by the Committee proceeds in the following order:
 - 1) The Committee first determines, by a two-thirds majority vote of those voting, whether the legislation is within the scope of GR 12.1 and whether it is appropriate under the circumstances for the Committee to determine a position on the legislation on behalf of the BOG.
 - 2) If the determination in subsection (1) above is affirmative, then the Committee will determine by a two-thirds majority vote of those voting what position, if any, to adopt on the legislation on behalf of the BOG.
 - 3) The Committee may determine that major or novel legislative issues will be referred to the BOG for consideration.
 - 4) Any issues to be considered or actions taken by the Committee must be promptly communicated to the BOG by electronic delivery; and actions taken by the Committee must also be communicated at the next BOG meeting.
 - 5) Due to the Committee's unique need to be able to act quickly to address issues that arise during a regular or special legislative session, between meetings the Committee may discuss and vote on issues by e-mail; however, if any Committee member objects to using an e-mail process for any particular issue, the Committee will take up that issue at its next scheduled Committee meeting.
- d. Quorum: A quorum consists of a majority of the Committee's voting members.

- e. Committee Meetings: The Committee may meet in executive session, with no persons present except the members of the Committee, other members of the BOG, the Executive Director, the Legislative Liaison, and such others as the Committee may authorize. Committee meetings may be held electronically.

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:

- 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, 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.

E. REPRESENTATION OF THE BAR

Except as specifically set forth in these Bylaws, no committee, section, task force, or other Bar entity, or member thereof, member of the BOG, or officer or employee of the Bar is permitted to speak for or represent the Bar, or any committee, section, task force, or entity thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State, unless prior authorization to do so has been specifically granted by the BOG by policy adopted by the BOG or by specific BOG action.

1. As the chief spokesperson of the Bar, the President has the authority to take action to execute the policies established by the BOG, and to serve as the representative of the Bar in connection therewith.
2. The BOG Legislative Committee is specifically authorized, under the terms of these Bylaws, to propose or adopt positions on behalf of the BOG with respect to legislation that has been introduced or is expected to be introduced in the Washington State Legislature, including the authority to propose amendments to legislation or to adopt positions on amendments to legislation.
3. The Executive Director may communicate with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters and policies established by the BOG, and is not required to obtain prior approval from the BOG before doing so.
4. Bar employees whose job duties require them to do so, and independent counsel retained at the direction of the President or the BOG, are specifically authorized to represent the Bar, or any committee, section, or task force thereof, before any legislative body, in any court, before any other tribunal or in any communication to the Governor or the Attorney General of the State as may be necessary to perform their job duties.

V. APPROPRIATIONS AND EXPENSES

A. APPROPRIATIONS

Appropriations of Bar funds and authorization for payment of expenses will be made by the BOG through the adoption of an annual budget or by special appropriation as required.

1. The President appoints a BOG Budget and Audit Committee, which consists of ~~the following voting members:~~

~~At least one two~~ Governors from each class, not to exceed seven Governors, one of whom must be the Treasurer;

~~The President; and~~

~~The President-elect.~~

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

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

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

B. EXPENSES; LIMITED LIABILITY

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

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

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

Comment [MS2]: A BOG Work Group is considering an amendment that would return the number of At-Large position to three and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

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

Comment [MS3]: A BOG Work Group is considering an amendment to eliminate this provision and have LLLTs/LPOs run in the Congressional District elections. The Work Group will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

Comment [MS4]: A BOG Work Group is considering an amendment to eliminate this provision and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

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

B. NOMINATIONS AND APPLICATIONS

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

4. In the event no application is made for a Congressional District seat, the position will be treated, advertised, and filled as an at-large position for that election cycle only.

C. ELECTION OF GOVERNORS

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

- a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and two At Large Governors (one lawyer and one community representative) – 2014 and every three years thereafter.
- b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and two At Large Governors – (one from nominations made by the Young Lawyers Committee and one LLLT/LPO) – 2015 and every three years thereafter.
- c. Second, Ninth and Tenth Congressional Districts and two At Large Governors (one lawyer and one community representative) – 2013 and every three years thereafter.

Comment [MS5]: A BOG Work Group is considering an amendment that would return the At-Large position to one lawyer and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

Comment [MS6]: A BOG Work Group is considering an amendment that would return the At-Large position to one Young Lawyer and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

Comment [MS7]: A BOG Work Group is considering an amendment that would return the At-Large position to one lawyer and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

2. Election of Governors from Congressional Districts

- a. *Eligibility to Vote.* All Active members, as of March 1st of each year, are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.
- b. *Ballots.* On March 15th of each election year, the Executive Director will deliver ballots containing the names of all candidates for Governor for each District in which an election is to be held to each Active member eligible to vote in that District. Elections will be conducted via a secure website (“electronic voting”). Active members who are eligible to vote in an election may request a

paper ballot to be used in place of the electronic ballot. Electronic ballots will be sent to active members eligible to vote in an election, and will include information about how to vote by electronic voting. Should any Active member eligible to vote fail to receive a ballot, or receive a defective ballot, the member may obtain a replacement ballot by furnishing proof of eligibility to the Executive Director, and upon returning the defective ballot if the member received a paper ballot.

- c. *Voting Procedure.* Each member eligible to vote in the election may vote in one of the following ways. Each member has only one vote. Only one vote will be counted from any member who inadvertently votes both by paper ballot and by electronic means:
 - 1) *By paper ballot.* The member must, after marking a ballot, place the ballot in the envelope marked "Ballot," place that envelope in the envelope directed to the Bar, print or type the member's name, sign the outside of the envelope, and cause the envelope containing the ballot to be delivered to the office of the Bar by no later than 5:00 p.m. (PDT) on April 1st of that election year. Alteration of or addition to the ballot, other than the marking of the member's choice, invalidates the ballot.
 - 2) *By electronic voting.* Voters will be sent links to their ballots via email. Voting must be completed by no later than 5:00 p.m. (PDT) on April 1st of that election year.
- d. *Voting System.* In any election for membership on the BOG, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes.

If a run-off election is necessary, the Executive Director in consultation with the President will designate the date for delivering the ballots and the deadline for voting, which will be 5:00 p.m.

(PDT), 10 days after the date the ballots are delivered. The candidate receiving the highest number of votes will be declared elected.

- e. *Checking and Custody of Ballots.* The Executive Director will deposit all satisfactorily identified and signed paper ballot envelopes in receptacles segregated as to Districts. The receptacles will remain in the custody of the Executive Director until the ballots are counted. Any paper ballots not enclosed in an envelope, satisfactorily identified and signed, will not be counted.

Electronic votes must be verified and securely stored by the online voting vendor.

- f. *Counting of Ballots.* Paper ballots will be counted in the office of the Bar, and electronic ballots, if any, will be counted by the online voting vendor and certified. The election process will be supervised by an Election Board of not less than three Active members appointed by the President. At least two members of the Election Board must be present at any count of paper ballots. Any Active member of the Bar may be present at such count of paper ballots.

The Executive Director will establish and follow a procedure that will ensure that no member's vote is counted more than once.

Promptly upon determination of the election results, the Election Board will forward the results to the Executive Director, who will notify each candidate as promptly as reasonably possible of the result of the election and publicly announce the election of the successful candidates. Official written notice of the election results also will be emailed to each candidate.

- g. *Retaining Ballots.* All paper ballots and identifying return envelopes must be retained in the custody of the Executive Director. The elections vendor must retain the electronic voting data, and maintain an auditable trail of the election, for no less than 90 days after the close of the election.

If no challenge to the ballot count has been made after 90 days, the ballots and identifying return envelopes may be destroyed, and the Executive Director will notify the vendor to destroy the data and auditable trail for that election.

3. Election of At- Large Governors

At- large Governors are elected by the BOG as set forth below.

D. ELECTIONS BY BOARD OF GOVERNORS

1. At- Large Governors

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

Comment [MS8]: A BOG Work Group is considering an amendment that would return the At-Large position to three lawyers and eliminate the LLLT/LPO and two public member positions and have the LLLTs/LPOs run in the Congressional District elections. The work Group will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

- a. The BOG will elect two At Large Governors who are persons who, in the BOG's sole discretion, have the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Under-representation and diversity may be based upon the discretionary determination of the BOG at the time of the election of any At Large Governor to include, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor will be determinative.
- b. The BOG will elect one At Large Governor from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will nominate two or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election.
- c. The BOG will elect one At Large Governor who is a LLLT or LPO from nominations made by the Nominations Committee.
- d. The BOG will elect two At Large Governors who are members of the general public from nominations made by the Nominations Committee.

Comment [MS9]: A BOG Work Group is considering an amendment that would eliminate this provision and have the LLLTs/LPOs run in the Congressional District elections. The Work Group will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

2. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office

Comment [MS10]: A BOG Work Group is considering an amendment that would eliminate this provision and will report to the BOG prior to the BOG making a decision on the proposed amendment to this provision.

upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

Beginning with the election of the President-elect who will begin to serve as President in the year 2011 and every four years thereafter, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. During the remaining three years, the President-elect may be an individual from anywhere within the state, including Eastern Washington. In any year, should no qualifying application be received for the position of President-elect within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

3. Treasurer

The Treasurer must be a current lawyer Governor and will be nominated and elected by the BOG at the second to the last regularly scheduled BOG meeting of the fiscal year. The Treasurer will be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote will be by secret written ballot.

4. Election Procedures

Elections of At Large Governors, President and President-elect elections, and any other elections held by the BOG under these Bylaws, except elections for the position of Treasurer, are conducted as follows:

- a. Notice of the position will be advertised in the Bar's official publication and on the Bar's website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the

BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.

- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.
- f. Election of candidates will be conducted by secret written ballot.
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.
- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.
- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.

E. NEW GOVERNOR ORIENTATION

Any newly elected Governor will undergo an orientation period commencing from the time of his or her election until being sworn in by the Supreme Court. This orientation must include attendance and participation in a New Governor Orientation to be held at a time and place specified by the Executive Director. In addition, the Governors-elect are expected to attend other meetings and/or activities as invited by or directed by the BOG. Governors-elect must also attend public meetings of the BOG as non-voting Governors. This attendance does not include executive sessions, unless authorized by the BOG.

F. MEMBER RECALL OF GOVERNORS

Any Governor may be removed from office by member recall. A recall vote is initiated by an Active member filing a petition for recall with the Executive Director. A petition for recall must identify the Governor, the Governor's congressional district or at-large status, and the Governor's term of office; set forth the basis for the recall; and contain the names and signatures of the Active members supporting the petition.

1. For congressional district Governors, the petition must be signed by five percent of the Active members of the Governor's congressional district at the time of filing. Only members of the Governor's district who are on Active status at the time of the vote are eligible to vote.
2. For the Young Lawyers At Large Governor, the petition must be signed by five percent of the Young Lawyers as defined in Article XII of these Bylaws at the time of filing. Only Young Lawyers who are on Active status at the time of the vote are eligible to vote. For all other At Large Governors, the petition must be signed by five percent of the Active members of the Bar at the time of filing, and only members on Active status at the time of the vote are eligible to vote.
3. The voting procedures set forth in the "Election of Governors from Congressional Districts" will be used as a procedural guideline for conducting a recall vote, and a majority vote is sufficient to pass a recall petition.

VII. MEETINGS

A. GENERAL PROVISIONS; DEFINITIONS

1. Definitions

As used in this Article unless the context indicates otherwise:

- a. "Meeting" means any regular or special meeting of the BOG or other Bar entity at which action is contemplated. A "special meeting" is a meeting limited to specific agenda topics.
- b. When these Bylaws refer to a "Bar entity" or "other Bar entity," this means any body, no matter how named, working under the authority of, or administered by, the Bar, pursuant to these Bylaws or court rule. The activities of such Bar entities subject to the Open Meetings Policy of this Article VII may include, but are not limited to, conducting meetings, taking actions, conducting hearings, or gathering information or member comment.
- c. "Action" means the transaction of the official business of the Bar by the BOG or other Bar entity including but not limited to receipt

of member information, deliberations, discussions, considerations, reviews, evaluations, and final actions.

“Final action” means a collective positive or negative consensus, or an actual vote of the voting members present, whether in person or by electronic means, at the time of the vote, upon a motion, proposal, resolution, or order.

- d. “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, ~~and the subject and results of any final action taken,~~ and a reasonable summary of the issues and points raised during discussion.

2. Order of Business

The President or Chair of the meeting determines the order of the business of any meeting.

B. OPEN MEETINGS POLICY

1. All meetings of the BOG or other Bar entity must be open and public and all persons will be permitted to attend any meeting, except as otherwise provided in these Bylaws or under court rules. A meeting may be held in person or by videoconference and/or teleconference. Meeting schedules and contact information will be made reasonably available by the Bar.
2. This Open Meetings Policy does not apply to duly designated executive sessions, meetings otherwise excluded under the terms of these Bylaws, meetings of the BOG Personnel and Awards Committees, the Judicial Recommendation Committee, or to matters regulated by the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, or the Rules for Enforcement of Conduct of Limited Practice Officers.
3. Minutes of all meetings, except for executive sessions, must be recorded and approved minutes will be open to public inspection upon request. Minutes from every BOG public session will be posted on the Bar’s website once approved by the BOG. Sub-entities (for example, subcommittees) need not record minutes, unless they are specifically delegated the authority to take final action on behalf of the entity.
4. A member of the public will not be required, as a condition of attendance at a meeting, to register his or her name and other information, to complete a

questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

5. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting not feasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the persons presiding over the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members of the Bar entity. In such a session, final disposition may be taken only on matters appearing on the agenda.

Representatives of the press or other news media, except those participating in the disturbance, will be allowed to attend any session held pursuant to this paragraph. Nothing in this paragraph prohibits the Bar entity from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

6. At any meeting required to be open to the public, no Bar entity is permitted to vote by secret ballot, except for elections for At Large Governors and the President-elect, as required by Article VI(D) for purposes of elections, or as otherwise provided by these Bylaws. A vote taken by email will not be deemed a secret ballot so long as the vote, including the question voted on, the identity of each person voting, and vote cast by each person, is recorded and published with the minutes. Votes taken on matters in a duly designated executive session need not be recorded or published, unless otherwise required by these Bylaws or court rule.

7. Executive Session

- a. The BOG may meet in Executive Session at the discretion of the President subject to a majority of the Board of Governors voting that the issue is not properly raised in Executive session. or as specifically provided by court rule:

- 1) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, or to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price;

- 2) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
- 3) To evaluate the qualifications of an applicant for employment as Executive Director or General Counsel, or for appointment to a position with the Bar or on a Bar entity; to review the performance of the Executive Director; or to receive or evaluate complaints regarding Officers, Governors, Bar staff, or appointees to other Bar entities;
- 4) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar;
- 5) To discuss legislative strategy; or
- 6) To discuss any other topic in which the President in his or her discretion believes the preservation of confidentiality is ~~desirable-necessary~~ or where public discussion might result in violation of individual rights or in unwarranted or unjustified private or personal harm. This section shall be narrowly and strictly construed; mere embarrassment or criticism is insufficient standing alone to address an issue in Executive Session.

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. All others shall be presumptively excluded and may be admitted only upon approval of a majority of the Board, and then, only on the specific issue that individual's presence the Board determines is necessary for the Board's discussion. An individual may be recused from executive session for conflict of interest or other reasons at the person's request or by a majority vote of the BOG. The President will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the President.

- b. A BOG committee may meet in Executive Session subject to the same terms and conditions as the Board may meet in Executive

~~Session as identified in the preceding section. at the discretion of the BOG committee Chair or as specifically provided by court rule;~~

- ~~1) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, or to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price;~~
- ~~2) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;~~
- ~~3) In the case of the Executive Committee and Personnel Committee, to evaluate the qualifications of an applicant for appointment to a position with the Bar or on a Bar entity, to review the performance of the Executive Director, or to receive or evaluate complaints regarding Officers, Governors, Bar staff, or appointees to other Bar entities;~~
- ~~4) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar;~~
- ~~5) To discuss legislative strategy; or~~
- ~~6) To discuss any other topic in which the BOG committee Chair in his or her discretion believes the preservation of confidentiality is desirable or where public discussion might result in violation of individual rights or in unwarranted or unjustified private or personal harm.~~

Executive session of a BOG committee 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 committee Chair may authorize. An individual may be recused from executive session for conflict of interest or other reasons at the person's request or by a majority vote of the BOG committee. The BOG committee Chair will publicly announce the purpose for meeting in executive session and the time when the executive session will be

~~concluded. The executive session may be extended to a stated later time by announcement of the BOG committee Chair.~~

- c. Other Bar entities may meet in Executive Session on matters within the scope of their work at the discretion of the Chair or as specifically provided by court rule:
 - 1) To discuss an individual disciplinary matter, character and fitness matter, Client Protection Fund claim, or other matter made confidential by court rule or these Bylaws;
 - 2) To evaluate the qualifications of an applicant for appointment to a Bar entity;
 - 3) To discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar; or
 - 4) To discuss legislative strategy.

Executive sessions of other Bar entities may proceed with no persons present except members of the entity and such other persons as the Chair may authorize, provided, however, that Bar staff and the BOG liaison may not be excluded from executive session. An individual may be recused from executive session for conflict of interest or other reasons at the person's request. The Chair will publicly announce the purpose for meeting in executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Chair.

- 8. Each Bar entity will set regular and special meetings as needed. It will not be a violation of these Bylaws for a majority of the members of a Bar entity to travel together or gather for purposes other than a meeting or special meeting as these terms are used in these Bylaws, provided that they take no final action as defined in these Bylaws.
- 9. A Bar entity may adjourn any meeting to a time and place specified in the order of adjournment. A quorum is not required to adjourn. If all members are absent from any meeting the Chair of the Bar entity may declare the meeting adjourned to a stated time and place. He or she will cause written or electronic notice of the adjournment to be given to all members of the Bar entity within 48 hours of the adjournment.

10. Any member may timely petition the BOG to declare any BOG final action voidable for failing to comply with the provisions of these Bylaws. Any member may petition the BOG to stop violations or prevent threatened violations of these Bylaws.

C. MEETINGS OF THE BOARD OF GOVERNORS

1. Regular Meetings

Regular meetings of the BOG will be held at such times and locations as the President may designate. Notice of the date, time, and location of each regular meeting must be posted on the Bar's website no later than 45 days prior to the date of the meeting. The agenda for the meeting will be posted on the Bar's website once finalized. Late materials related to agenda items may be accepted. Any changes to the agenda will be posted as soon as practicable given the circumstances of the change.

2. Special Meetings

- a. Special meetings of the BOG may be called by the President at his or her discretion, by the Executive Director, at the written request of five members of the BOG, or at the written request of three members of the BOG's Executive Committee. Special meetings will customarily be held at the Bar's offices. All reasonable efforts will be made to schedule special meetings so the maximum number of Governors may attend, and Governors who are unable to attend in person may attend by electronic means.
- b. Notice of a special meeting must be in writing and must set forth the time, place and purpose thereof, and must be given to all members of the BOG, the officers, the Executive Director, and the General Counsel, and posted on the Bar's website, at least five days prior to the meeting. The five days' notice requirement may be waived by unanimous consent of the BOG. The special meeting will only consider such matters as set forth in the notice of the meeting. A special meeting may be canceled by the written consent of eight Governors, directed to the Executive Director, who in turn will transmit the cancellation notice and supporting documentation to all persons who were sent notice of the meeting.

3. Emergency Meetings

An emergency meeting may be called, with 24-hour electronic notice to all members of the BOG and the General Counsel:

- a. When the President determines that an extraordinary matter requires immediate attention of the BOG; or
- b. By the Executive Director when there has been a natural disaster or catastrophic event that significantly impacts the Bar's ability to function.

The emergency meeting will be held at a location designated by the President or Executive Director, and Governors who are unable to attend in person may attend by electronic means. Notice of the meeting must indicate the subject matter to be considered, and the meeting must only consider such noted subject matter.

4. Agenda

For every BOG meeting, the President will establish the agenda and order of business. Upon request to the President, a Governor may add an item to the upcoming regular meeting's agenda. If in the President's good faith estimation the upcoming agenda is full, the requested item will be placed on the next regularly scheduled meeting's agenda, unless otherwise agreed by the President and the requesting Governor. 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 by laws.

5. Parliamentary Procedure

Proceedings at BOG meetings may be governed by the most current edition of Robert's Rules of Order or such other set of rules chosen by the President subject to being overridden by a majority of the Board of Governors.

D. EXECUTIVE COMMITTEE OF THE BOG

1. The BOG recognizes the need for an Executive Committee to address emergent but non-policy making matters that need timely attention in between BOG meetings. The Executive Committee's authority derives solely from the authority of the BOG, and is limited by the authority granted by the BOG. The BOG may establish a Charter specifically delineating the duties and functions of the Executive Committee.
2. The Executive Committee members shall include the President, the President-elect, the Immediate Past President, the Treasurer, the Chair of the BOG Personnel Committee, and the Executive Director, and one member of each Governor class as elected by that class unless that class is already represented. Only the President, President-elect, Treasurer, Personnel Committee chairperson, and Governors may vote on the Executive Committee.

3. An Executive Committee meeting may be called by any member of the Executive Committee, provided that at least five days' notice is given to the Board of Governors and all Executive Committee members. If an emergency situation requires less than five days' notice, the notice period may be waived by unanimous consent of the Executive Committee members but the full Board must be given notice at the same time of both the intent to consider an emergency meeting and the day and time of the meeting itself.
4. The Executive Committee may meet as necessary to develop the BOG meeting agenda or for discussion and action on matters within its scope. All agenda setting meetings will be set in advance and notice provided in writing to all Governors with the day, time, place, and agenda or purpose of the Executive Committee's meeting, and any Governor may attend the meeting. Although emergent issues may make it difficult to provide advanced notice of Executive Committee meetings not related to meeting and agenda setting, the Executive Committee must provide advance notice to all Governors to permit them to attend whenever feasible to do so.

E. FINAL APPROVAL OF ACTION BY THE BOARD OF GOVERNORS

Reports, recommendations, or proposals do not represent the view or action of the Bar, unless approved by a vote of the BOG.

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.
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 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 REFFERALS 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 words 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 record 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.

IX. COMMITTEES, COUNCILS, AND OTHER BAR ENTITIES

A. GENERALLY

1. The work of the Bar shall be accomplished by the BOG, the officers, and the Bar staff. To facilitate the work of the Bar in accordance with its purposes as provided in Article I, the BOG may delegate such work to an appropriate Bar entity, such as sections, committees, councils, task forces, or other Bar entity, however that may be designated by the BOG.
2. The work of any Bar entity established by the BOG must:
 - a. have a defined scope that requires the active and continuing attention of the BOG;
 - b. further the Bar's Guiding Principles and/or the purposes of the Bar outlined in General Rules promulgated by the Supreme Court; and
 - c. enhance consideration of a topic that is beyond the time and expertise of the BOG and staff by incorporating expertise and additional viewpoints from the broader community.
3. A list of the current committees, councils, and task forces, and their functions, will be maintained by the Executive Director. The BOG may terminate any recurring committee whenever in its opinion such committee is no longer necessary. Any nonrecurring Bar entity shall automatically terminate pursuant to the terms of its charter or originating document.
4. Governors appointed to serve as BOG liaisons to any Bar entity are not voting members. However, if a Governor is appointed as a member of any Bar entity, then he or she may vote in accordance with the terms of the charter or originating document for that entity.

B. COMMITTEES AND OTHER BAR ENTITIES

1. Committees

Committees are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. The number, size, and functions of each committee will be determined from time to time by the BOG.

- a. Committee members, Chairs, and Vice Chairs must be Active members of the Bar. Exceptions: (a) up to two Emeritus Pro Bono members are permitted to serve on the Pro Bono Legal Aid Committee (PBLAC) and may be appointed to serve as the Chair, Co-Chair, or Vice-Chair of that committee; and (b) faculty of Washington state law schools who are not Active members of the Bar are permitted to serve on the Committee on Professional Ethics (CPE).
- b. Committee members are appointed by the BOG. Appointments to committees are for a two-year term unless the BOG determines otherwise. A committee member's service on any committee is limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions for cause as approved by the BOG. Appointments to the Legislative Committee will be made pursuant to the written BOG policy for that committee.
- c. The President-elect will annually select the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection.
- d. In the event of the resignation, death, or removal of the Chair or any committee member, the BOG may appoint a successor to serve for the unexpired term.

2. Other Bar Entities

The BOG may from time to time establish other Bar entities to study matters relating to specific purposes and business of the Bar which are of an immediate and/or non-recurring character. These other Bar entities may be titled as task forces, workgroups, or any other label the BOG may designate.

- a. The President will select the persons to be appointed to such other Bar entities, with the BOG having the authority to accept or reject those appointments. The term of appointments will be until the work of the entity has been concluded or until such committee member's successor is appointed.

- b. The Chair(s) of any other Bar entity shall be appointed by the President at the time of creation of the entity, with the BOG having the authority to accept or reject that selection, and will serve for the duration established by the BOG or until replaced.
- c. In the event of the resignation, death or removal of the Chair or any other member of the Bar entity, the President may appoint a successor to serve for the unexpired term.

3. General Duties and Responsibilities for Committees and Other Bar Entities

- a. Each committee or other Bar entity will carry out various tasks and assignments as requested by the BOG or as the entity may determine to be consistent with its function or its charter or originating document.
- b. Each Bar entity must submit an annual report to the Executive Director and submit such other reports as requested by the BOG or Executive Director.
- c. These Bar entities are not permitted to issue any report, take a side publicly on any issue being submitted to the voters, pending before the legislature, or otherwise in the public domain, or otherwise communicate in a manner that may be construed as speaking on behalf of the Bar or the BOG without the specific authorization to do so by the BOG. Reports, recommendations, or proposals do not represent the view or action of the Bar unless approved by a vote of the BOG.
- d. Bar staff will work with each committee or other Bar entity to prepare and submit an annual budget request as part of the Bar's budget development process. Each committee and other Bar entity must confine its expenditures to the budget and appropriation as approved by the BOG as generally set forth in these Bylaws.
- e. Each committee and other Bar entity must prepare and distribute minutes of each meeting if required under Article VII of these Bylaws. The minutes will be distributed to its members and posted on the Bar's website, as soon as is reasonably possible after a meeting. The form of the minutes must comply with Article VII of these Bylaws.

- f. The success of any committee or other Bar entity is dependent upon the active participation of its members.
 - 1) Chairs and committee members serve at the pleasure of, and may be removed by, the Board. Neither malfeasance nor misfeasance is required for removal.
 - 2) Any committee member who fails to attend two consecutive regularly called meetings may be removed by the BOG, in the absence of an excuse approved by the Chair.

C. COUNCILS

- 1. Councils are created and authorized by the BOG to serve as advisory committees to the BOG on matters and issues of particular import to the Bar.
- 2. Nominations to councils are made as set forth in the council's charter or originating document, and are confirmed by the BOG. Except as may be specifically required under the council's charter or originating document, council members are not required to be members of the Bar.
- 3. Terms of appointments to councils will be as set forth in the council's charter or originating document.
- 4. Each council will carry out the duties and tasks set forth in its charter or originating document.
- 5. Each council must submit an annual report, and such other reports as may be requested, to the BOG or Executive Director.
- 6. Bar staff will work with each council to prepare and submit an annual budget request as part of the Bar's budget development process.

X. REGULATORY BOARDS

The Bar administers regulatory boards created by court rules and has any powers necessary to administer those boards. Appointment to regulatory boards is as provided in the promulgating rule or as otherwise directed by the Supreme Court. A list of the current regulatory boards and their functions will be maintained by the Executive Director. Governors and Bar staff appointed as liaisons to regulatory boards are not voting members of those boards. Liaisons may not be excluded but will not participate in executive session or confidential deliberations except as a resource.

XI. SECTIONS

A. DESIGNATION AND CONTINUATION

Sections are entities of the Bar created and tasked to carry on the work of the Bar and further their purposes as defined in individual section bylaws. A list of all current sections will be maintained by the Executive Director. Once established, a section will continue until discontinued as provided in these Bylaws or in the section bylaws.

B. ESTABLISHING SECTIONS

1. The BOG will consider the establishment of a new section on a petition and report endorsed by at least 150 Active members of the Bar. Any such petition must be filed with the Executive Director at least one BOG meeting prior to the meeting at which action on the proposal is contemplated and must substantially set forth:
 - a. The contemplated purpose of the section, which will be within the purposes of the Bar and not in substantial conflict with the purpose of any existing section or committee, the continuance of which is contemplated after the section is established;
 - b. Proposed bylaws of the section, which must contain a definition of its purpose;
 - c. The names of any proposed committees of the section;
 - d. A proposed budget of the section for the first two years of its operation;
 - e. A list of members of the Bar who have signed statements that they intend to apply for membership in the section;
 - f. A statement of the need for the proposed section.
2. The BOG may create a new section by combining sections as set forth in these Bylaws.

C. MEMBERSHIP

1. Any Active member of the Bar may be a voting member of a section and eligible for election to office in the section upon paying the annual dues established by the section. Inactive members may not be voting members of sections.
2. If provided for in the section bylaws, any Emeritus Pro Bono member pursuant to APR 8(e), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in

Washington but not licensed in Washington, may be a voting member of the section and eligible for election to office in the section.

3. Law students will be allowed to be nonvoting members of any section at a standard annual dues amount set by the BOG.
4. Sections may adopt bylaw provisions authorizing inactive members, and others not eligible for section membership as voting members, to be nonvoting members or “subscribers” of the section.

D. DUES

Dues will be paid annually in the amount determined by the section executive committee and approved by the BOG. Any person who fails to pay the annual dues will cease to be a member of the section.

E. BYLAWS AND POLICIES

Sections are subject to all Bar Bylaws, policies, and procedures. Each section must have bylaws consistent with the Bar Bylaws. Amendments to section bylaws may be made by a majority vote of the voting executive committee members or by a majority vote of section members present at a section meeting. Section bylaws or amendments thereof will become effective when approved by the BOG.

F. SECTION EXECUTIVE COMMITTEE

1. Each section will have a section executive committee consisting of, at minimum, the following Officer positions: Chair, Secretary and Treasurer (or Secretary/Treasurer); and may have At-Large members. Unless otherwise permitted by a section’s bylaws, voting members of a section executive committee must be Active members of the Bar and a member of the section for their entire term of office on the executive committee. Additionally, a section executive committee may have non-voting members. The section executive committee is empowered to act on behalf of the section unless it chooses to take a vote of the section membership.
2. Officers. Unless otherwise permitted by a section’s bylaws, officers of a section executive committee must be Active members of the Bar and elected by the section membership to complete the one-year term of office.
 - a. Chair. The chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.

- b. Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.
 - c. Treasurer. The Treasurer will work with the Bar to ensure that the section complies with Bar fiscal policies and procedures, work with the Bar to prepare the section's annual budget, and review the section's monthly financial statements for accuracy and comparison to budget.
 - d. A section may have additional officer positions as defined in its sections bylaws.
- 3. At-Large Members. At-large members of the section executive committee will be voting members. At-large members will be elected by the section membership for terms of up to three-years. A section executive committee may appoint its Young Lawyer Liaison (if any) as a voting member of the section's executive committee.
- 4. Non-voting Members. Voting members of the section executive committee may appoint non-voting members from among the current members of the section to further the work of the Bar and section. Non-voting members serve at the discretion of the section executive committee.
- 5. Executive committee members are not subject to a limit on the number of the consecutive terms they may serve unless stated in a section's bylaws.
- 6. All section executive committee positions will begin October 1 each year.

G. NOMINATIONS AND ELECTIONS

1. Nominations

- a. Nominating Committee. Each section will have a nominating committee consisting of no less than three section members appointed annually by the Chair or executive committee. At least one member of the nominating committee should not be a current member of the section executive committee.
- b. The executive committee should reflect diverse perspectives. To assist this, all applicants will apply through an electronic application process administered by the Bar. The application form will, on a voluntary basis, solicit information including, but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practice, employer,

number of lawyers in law firm, previous involvement in section activities, and skills or knowledge relevant to the position. The nominating committee should actively take factors of diversity into account when making recommendations.

- c. Alternate Nomination Process. The executive committee will also have an alternative process to allow for nominations to occur outside of the nominating committee process.
- d. Executive Committee Approval. The executive committee will approve a list of nominees for each open position. Persons nominated through an alternative nomination process will be included on the final list of approved nominees.

2. Elections

- a. Only voting members of the section may participate in section elections.
- b. The Bar will administer the elections by electronic means and certify results, unless the section develops its own equivalent electronic election process. For sections that administer elections through an alternate equivalent electronic election process, the section must provide the Bar with the total number of votes cast and the number of votes received for each candidate immediately following the close of the election.
- c. In the event of a tie, the section executive committee will implement a random tie-breaker of its choice, such as a coin toss or a drawing of lots, to determine the winner.
- d. All election processes must comply with the Bar record retention policies.

- 3. Timing. Nominations and elections for open section executive committee persons will be held between March and May each year.

H. VACANCIES AND REMOVAL

- 1. The section executive committee will appoint, by a majority vote, members to fill vacancies on the section executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.

2. Any member of the executive committee may be removed by a two-thirds majority vote of the section executive committee. Grounds for removal include, but are not limited to, regular absence from section executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

I. OTHER COMMITTEES

The section executive committee may create other committees as necessary to further the purposes of the section. Section committees, section committee chairs, and section committee members serve at the discretion of the section executive committee.

J. BUDGET

Each section executive committee must submit an annual budget request for each fiscal year to the BOG for review. The BOG will approve final section budgets as part of the Bar's annual budget. The section executive committee expenditures must be consistent with the approved section budget and consistent with the Bar fiscal policies and procedures.

K. SECTION REPORTS

Each section must submit an annual report to the Executive Director and such other reports as requested by the BOG.

L. TERMINATING SECTIONS

1. The BOG may consider terminating a section when it appears the section is no longer carrying on the work of the Bar as defined in these Bylaws. The issue will be raised (a) on motion, (b) on petition, or (c) at a "viability review" as defined in these Bylaws.
2. A section that has less than 75 voting members for two consecutive years will be automatically placed on the BOG agenda for a "viability review." The BOG has the discretion to retain a section despite what might otherwise be considered to be a lack of viability when in the BOG's opinion the section is carrying on the work of the Bar as defined in these Bylaws, and the work is of value to the legal profession.
3. Any section subject to a motion, petition, or viability review pursuant to paragraph (1) above will be given notice and an opportunity to be heard by the BOG. Notice must be sent by the Bar to the current section officers and/or

executive committee and posted on the Bar website at least one BOG meeting prior to the meeting at which the Board plans to vote on the proposal.

4. A section subject to potential termination may petition the BOG to be combined with another section, with that section's written approval, and will be given reasonable opportunity to present that petition to the BOG before the BOG votes on the section's termination.
5. If a section is terminated pursuant to these Bylaws, section members will be allowed to transfer to another section of their choosing, without payment of additional fees, for that remainder of the section dues year.
6. A section terminated pursuant to these Bylaws may apply for reactivation if they meet qualifications for establishing a new section.
7. Any funds remaining in the treasury of a section at the time of termination will be transferred to the Bar's general operating fund unless otherwise designated by the BOG. Funds in the treasury of combined sections will be combined.

XII. YOUNG LAWYERS

A. PURPOSE

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

B. DEFINITION

Active lawyer members of the Bar will be considered Young Lawyers until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member first was admitted to practice as a lawyer in any state, whichever is later.

XIII. RECORDS DISCLOSURE & PRESERVATION

- A. These Bylaws apply to Bar records created before July 1, 2014. Access to Bar records created on or after July 1, 2014, is governed by GR 12.4
- B. The Bar, in accordance with published rules, shall make available for its members and/or public inspection and copying all Bar records, unless the record falls within the

specific exemptions of these bylaws or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission and Practice Rules, the Rules for Enforcement of Limited Practice Officer Conduct, GR 25, or any other applicable statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by these bylaws or the above-referenced rules or statutes, the Bar shall delete identifying details in a manner consistent with those rules when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained fully in writing.

1. The Bar shall establish, maintain, and make available for its members and/or public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of Bar records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.
2. No fee shall be charged for the inspection of Bar records. No fee shall be charged for locating Bar records or documents and making them available for copying unless the request entails a substantial use of staff time to locate and gather the documents. In no event may the Bar charge a per page cost greater than an actual per page cost established by the Bar.
3. The Bar shall not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order, or rule which exempts or prohibits disclosure of specific information or records to certain persons. Bar facilities shall be made available to any person for the copying of Bar records except when and to the extent that this would unreasonably disrupt the operations of the Bar. The Bar shall honor requests received by mail for identifiable Bar records unless exempted by provisions of these bylaws or other rules.
4. Bar records shall be available for inspection and copying during the customary office hours of the Bar.
5. The following are exempt from public inspection and copying:
 - a. Personal information in files maintained for employees, appointees, or elected officials of the Bar to the extent that disclosure would violate their right to privacy.

- b. Specific information, records, or documents relating to lawyer or Limited Practice Officer discipline that is not expressly classified as public information or confidential information by court rule.
- c. Information revealing the identity of persons who have assisted a Bar investigation or filed grievances or complaints with the Bar, if disclosure would endanger any person's life, physical safety, or property.
- d. Test questions, scoring keys, and other examination data used by the Bar to administer a license, employment, or academic examination.
- e. The contents of real estate appraisals made by the Bar relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- f. Valuable formulae, designs, drawings, and research data obtained by the Bar within five years of the request for disclosure when disclosure would produce private gain and loss to the Bar.
- g. Preliminary or intra-Bar memoranda, notes, and e-mails, and other documents in which recommendations or opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when referenced during an open meeting or cited by the Bar in connection with any of its actions.
- h. Manuals, policies, and procedures, developed by Bar staff, that are directly related to the performance of investigatory, disciplinary, or regulatory functions, except as may be specifically made public by court rule;
- i. Applications for employment with the Bar, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- j. The residential addresses and residential telephone numbers of Bar employees or volunteers which are held by the Bar in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

- k. Information that identifies a person who, while a Bar employee:
 - 1) Seeks advice, under an informal process established by the Bar, in order to ascertain his or her rights in connection with a potentially discriminatory or unfair employment practice; and
 - 2) requests his or her identity or any identifying information not be disclosed.
- l. Membership information; however
 - 1) status, business addresses, business telephones, facsimile numbers, electronic mail addresses (unless the member has requested that it not be made public), bar number, and dates of admission, shall not be exempt, provided that, for reasons of personal security or other compelling reason, the Executive Director may, on an annual basis, approve the confidentiality of any such information; and
 - 2) age information may be used as a criterion for eligibility for membership in a WSBA committee or section, but only when used in conjunction with year of admission.
- m. Applications for admission to the Bar and related records;
- n. Information which would identify bar examiners responsible for writing and/or grading specific bar exam questions;
- o. Proceedings and records of the Board of Bar Examiners;
- p. Proceedings and records of the Law Clerk Board, including information, records, or documents received or compiled that relate to any application for admission to the Law Clerk program, or to the retention of any current participant in the Law Clerk program;
- q. Proceedings and records of the Practice of Law Board, including information, records, or documents received or compiled regarding the investigation, or potential investigation, of any incident or alleged incident of the unauthorized practice of law;
- r. Proceedings and records of the Character and Fitness Board, including information, records, or documents received or compiled that relate to any application for admission, special admission,

special licensing, or change of membership status or class, except where those proceedings are specifically made public by court rule;

- s. Records relating to requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry,
- t. Proceedings and records of the Judicial Recommendation Committee,
- u. Records and proceedings of any Fee Arbitration Program, Mediation Program, or other alternative dispute resolution program which may be administered by the Bar,
- v. Records and proceedings of the Personnel and Awards Committees,
- w. Records and proceedings of the Hearing Officer Selection Panel, except as made public by the Panel;
- x. Personnel records of Bar employees, whether permanent, temporary, or contract, except for information relating to compensation for job classifications, verifying periods of employment or, when specifically requested, the Executive Director's current annual compensation; and
- y. Any other documents or records made confidential by statute, court rule, or court order.

The above exempted information will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons will be disclosed.

- 6. Responses to requests for Bar records shall be made promptly by the Bar. In acknowledging receipt of a records request that is unclear, the Bar may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Bar need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor.
- 7. Whenever the Executive Director concludes that a Bar record is exempt from disclosure and denies a person opportunity to inspect or copy such record for that reason, the person may appeal that decision to the Board of Governors. The Board of Governors shall provide the person with its written opinion on whether the record is exempt.

8. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that 1) would be highly offensive to a reasonable person, or 2) is not of legitimate concern to the public.
9. Nothing in this section shall be construed to require publication in the Washington Administrative Code or the maintenance of indexes of records.

XIV. INDEMNIFICATION

A. GENERALLY

1. The Bar shall provide indemnification to qualified indemnitees for liabilities arising out of qualified actions.
 - a. A qualified indemnitee is a person who is or was an officer, member of the Board of Governors, member of the staff of the Bar, or is serving at the request or appointment of the Bar as a member of any board, committee, task force, or other WSBA entity.
 - b. A qualified action is an action in good faith within the course and scope of the authority expressly or impliedly delegated by applicable Supreme Court Rule, policy adopted by the Board of Governors, or by the Executive Director within his or her authority.
2. Each qualified indemnitee who is a party to, or is threatened to be made a party to, or is involved in any threatened, pending, or completed claim, action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that the indemnitee, or a person of whom the indemnitee is a legal representative, is, or was, an officer or member of the Board of Governors, member of the staff of the Bar, or a member of a board, committee, task force, or other WSBA entity formed by the Board of Governors, shall be defended, indemnified, and held harmless by the Bar against all expenses, liability, and losses (including, but not limited to, attorneys' fees, judgments, fines, and amounts paid in settlement) reasonably incurred or suffered by the indemnitee in connection therewith. The Board of Governors shall have the right, as a condition of granting indemnification, to approve in advance the choice of counsel as well as any settlement by the person requesting indemnification. The Board shall not unreasonably withhold its approval.

B. CUMULATIVE, NON-EXCLUSIVE RIGHT

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which any person seeking indemnification may be entitled under law or under any bylaw, agreement, vote of the Board of Governors or members of the Bar, or otherwise.

XV. KELLER DEDUCTION

As a mandatory bar association, the Bar may not use compulsory license fees of any member who objects to that use for political or ideological activities that are not germane, or reasonably related, to regulating the legal profession or improving the quality of legal services. *Keller v. State Bar of California*, 496 U.S. 1 (1990). These activities are considered “nonchargeable.” The Bar may use compulsory license fees for all other activities.

- A. Under *Keller*, the Bar is required to identify that portion of mandatory license fees that go to “nonchargeable” activities and establish a system whereby objecting members may either deduct that portion of their fees or receive a refund. The Bar will calculate the Keller deduction prospectively for each fiscal year, using that fiscal year’s budget and the actual activities of the Bar during the prior fiscal year. The process to be followed in calculating the Keller deduction will be as set forth in the Keller Deduction Policy. When calculating the Keller deduction, the Bar shall use a conservative test for determining whether an individual activity is chargeable or nonchargeable. When in doubt, the Bar will err in favor of the membership by considering activities to be nonchargeable even when a reasonable argument could be made that such activities were chargeable.
- B. Notice of the amount of the Keller deduction will be included with the annual licensing information provided to members, and detailed information regarding the calculation of the deduction will be posted on the Bar’s website. Members admitted to the Bar during the course of a year will be advised of this notice with their initial fee statements. Such members may demand arbitration within 45 days following receipt of the notification. If arbitration is pending at the date of delivery of a demand for arbitration submitted pursuant to this paragraph, the newly admitted member's demand will be consolidated with the pending arbitration. All of the provisions of this Article shall otherwise apply to demands for arbitration filed by newly admitted members.
- C. Except for requests for arbitration submitted by newly admitted members pursuant to Paragraph (B) above, any member requesting arbitration of the calculation of the amount of the Keller deduction for a licensing year must deliver a written request for arbitration to the Executive Director on or before February 1 of the licensing year in which the deduction is being challenged. Delivery may be made in person or by first-class mail, and mailed demands will be deemed delivered upon mailing. Demands shall include the name and address of the member or members demanding arbitration,

a brief statement of the claim or objection, identifying each challenged activity with such specificity as to allow the Bar to respond, and the signature of each objecting member.

1. Within 14 days of receipt of a timely demand for arbitration, the Bar will submit the matter to the Chief Justice of the Washington Supreme Court for appointment of an impartial arbitrator.
2. All timely demands for arbitration, including any timely demands received after submission of one earlier received, will be consolidated.
3. A member demanding arbitration is required to pay his or her license fee and assessments, excepting the amount in dispute, on a timely basis as otherwise required by these Bylaws. Failure to pay the fees and assessments, other than the amount in dispute, by the requisite date may result in suspension as provided by these Bylaws or applicable court rules.
4. Unless the parties agree to a different schedule, a hearing will be held within 30 days of the appointment of the arbitrator. The arbitrator will determine the date, time, and location of the arbitration hearing(s) and will so notify the parties at least 15 days prior to the hearing(s).
5. The burden is on the member(s), as a condition of arbitration, to identify each challenged activity with such specificity as to allow the Bar to respond. The burden is on the Bar to establish the accuracy of the determination of the Keller calculation. Members demanding arbitration will have access to the financial records upon which the Bar based the determination of the amount of fee that can be withheld. These records will be available for inspection and copying during normal business hours. Copying will be at the member's expense.
6. At the hearing(s), the parties will be permitted to participate personally or through counsel admitted to practice in the state of Washington. All parties will be given the opportunity to present evidence and to present arguments in support of their positions. The following rules will apply to the arbitration proceedings:
 - a. There will be no transcripts or post-hearing briefs; except, however, post-arbitration motions for reconsideration or clarification are permitted.
 - b. The arbitrator will issue a written opinion, stating the reasons for the decision, within 14 days of the close of the hearing. The opinion will be brief and will be based on the evidence and arguments presented.

- c. The arbitrator will be compensated at an hourly rate established pursuant to BOG policy for the hearing, preparation, and study time, and will be reimbursed for all necessary expenses of the arbitration. The Bar will pay for the arbitrator's services.
 - d. The arbitration is not a judicial proceeding but is *sui generis*. Except for production of documents as set forth in Paragraph 5 above, or as may be stipulated to by the parties, there is no discovery, and the civil rules, arbitration rules, rules of evidence, and other court rules will not apply.
- 7. The arbitrator will have no authority to add, subtract, set aside, or delete from any court rule or these Bylaws.
 - 8. The scope of the arbitration is limited to reviewing the challenged activities specified for the purpose of determining whether the Bar has correctly calculated the Keller deduction, and the sole relief potentially available through arbitration is a change in the amount of the named parties' Keller deduction for that licensing year.
 - 9. The arbitration will be binding and the decision of the arbitrator final, with no right of trial de novo or appeal.

XVI. AMENDMENTS

- A. These Bylaws may be amended by the BOG at any regular meeting of the BOG, or at any special meeting of the BOG called for that purpose under the terms of these Bylaws.
- B. All proposed bylaw amendments must be posted on the Bar's website and presented for "first reading" at least one BOG meeting prior to the meeting at which the BOG votes on the proposed amendment, and the BOG will not vote on any proposed bylaw amendment at the meeting at which the amendment is originally proposed, except as may be allowed below.
- C. For good cause shown under exceptional circumstances these Bylaws may be amended on an emergency basis, without the prior notice required above, by an affirmative vote of two-thirds of the BOG; however, any such amendment will be effective only until notice is given and a vote taken pursuant to the procedures set forth above.
- D. Notice of all bylaw amendments adopted by the BOG must be prominently posted on the Bar's website within 14 days of the BOG's vote on the amendment.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 10, 2018
RE: Addition of New Governors Work Group Charter

ACTION: Approve the Addition of New Governors Work Group Charter and Roster.

Attached please find the proposed Addition of New Governors Work Group Charter for the Board's consideration and approval. The Roster has not yet been finalized and will be presented to the Board for approval upon completion.

ADDITION OF NEW GOVERNORS
WORK GROUP CHARTER

The workgroup is authorized to have 21 members. Its purpose is to gather information so the WSBA Board of Governors may make a more informed decision and vote in September 2018 on whether to adopt proposed Bylaw amendments which, if ratified, would eliminate enlarging the Board by three additional governorships.

The chairs of the workgroup will provide a narrative report at the July and September Board of Governor meetings on the following:

1. (a) The history of the original Bylaw 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.
2. 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.
3. 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.

The workgroup need not report to the Board on the full scope of the issues at each Board meeting. The reports may be sequential; a different issue each meeting. The intention is that by the end of the process, the workgroup will report on the full extent of the issues. The workgroup may take consensus votes or straw polls internally as it sees fit. However, the intention is the workgroup will not vote, up or down, with recommendations to the Board. The purpose of the workgroup is to provide the Board information.

The workgroup will attempt to obtain the participation of the following persons but shall proceed if the following cannot be obtained in full. The ED may determine whether staff members should attend for input and, if so, who that should be.

2 Limited Practice Officers (LPOs)

1 Limited License Legal Technician (LLLT)

2 public representatives

1 Family Law Section member

1 Real Property, Probate and Trust Section member

2 former WSBA Board members who were present during the process of the original Bylaw adoption to add the three new At-Large Governor seats

7 current Board members

5 at-large WSBA members (which may be from any of the above groups)

MEMO

To: WSBA Board of Governors

From: Governor Kim Hunter and Sara Niegowski, WSBA Chief Communications and Outreach Officer

Date: May 4, 2018

Re: Member Engagement Work Group

ACTION: Discuss, for possible approval, formation of a Member Engagement Work Group

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.

Recommended Purpose and Process for a Member Engagement Work Group

- 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.
- Define goals for the work group, which may include:
 - Educating members in a proactive manner about WSBA's and the Board of Governors' actions and work.
 - Involving members in the decision-making process by informing them and asking for input on a regular basis.
 - Involving the sections in a positive manner with WSBA governance.
 - Involving governors on a one-on-one, relationship-building basis with individuals who contact WSBA with concerns or feedback.
- Catalogue the engagement work already being done by Governors.
- Determine how Board member-engagement efforts and goals dovetail with WSBA member-engagement goals (outlined in WSBA's Outreach and Engagement Plan).
- Ensure ongoing updates to the Board of Governors about WSBA member engagement processes and measurement.

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

TO: Board of Governors
FROM: Sean M. Davis, General Counsel
DATE: May 2, 2018
RE: Referendum Process Review Work Group Preliminary Report

DISCUSSION: Continued discussion of Referendum Process Review Work Group Recommendations.

Attached are the materials from the January 18-19, 2018, and March 8, 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)I1)(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
Athán 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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Malpractice insurance is required in Oregon and now Idaho. Get ahead of the curb with ALPS, the WSBA-endorsed carrier for our professional liability program
<http://ow.ly/JK6c30gQlHa>





Inez Petersen
Nov 4 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 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

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edward hiskes
Nov 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.

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Leave a Reply

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**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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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.

WASHINGTON STATE BAR ASSOCIATION

To: President William D. Pickett
The Board of Governors

From: Ken Masters, Chair, Civil Litigation Rules Drafting Task Force

Date: April 16, 2018

Re: Civil Litigation Rules Drafting Task Force Request for Extension

ACTION: Approve request for extension of Civil Litigation Rules Drafting Task Force through the next BOG meeting (July 27-28, 2018).

At the November 18, 2016, Board of Governors meeting, the Board approved the formation of a Civil Litigation Rules Drafting Task Force and a charter for that Task Force. The Task Force purposes are: (1) to review the recommendations of the Board addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations; (2) prepare draft amendments; (3) solicit input on suggested amendments; and (4) present suggested rule amendments to the Board.

The charter states that the Task Force must submit a final set of draft rule amendments for first reading to the Board by no later than the Board's May 2018 meeting, and 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 has been meeting monthly since March 30, 2017. In early April 2018, proposed amendments were distributed to a wide range of interested parties for input. To allow sufficient time for interested parties to provide input, the Task Force requests an extension until the July 27-28, 2018, Board meeting to present its proposed rule amendments. This schedule will still allow time for the Board to consider the amendments prior to the Supreme Court's October 15, 2018, deadline for General Rule 9 submissions.

WASHINGTON STATE
BAR ASSOCIATION
Civil Litigation Rules Drafting Task Force

April 5, 2018

William D. Pickett
President, Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Re: BOG Action Item for May 17-18, 2018 Meeting

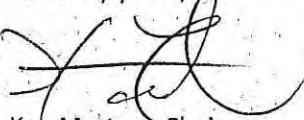
Dear President Pickett:

The Civil Litigation Rules Drafting Task Force (Task Force) is intending to submit for Board of Governors action a request for a short extension of its charter. The Task Force charter states that the Task Force will submit a final set of draft civil rule amendments to the BOG by no later than the May 2018 meeting. The Task Force is requesting an extension until the July 27-28, 2018 BOG meeting to submit its final set of proposed amendments for a first read.

The Task Force has been working intensively since March 30, 2017. Subcommittees have been focusing on particular rules and preparing drafts. Some of the proposed amendments have already been distributed for comment to a wide range of interested parties – within and outside the membership – while others are in the last stages of Task Force review and will be similarly vetted shortly. The requested extension will allow sufficient time for all interested parties to provide input, and for the Task Force to consider that input before making its recommendations to the BOG in July.

Please let me know if you need me to appear personally at the May 17-18 BOG meeting to explain the request and/or to answer any questions of BOG members. Our esteemed liaison Dan Bridges (copied here) has indicated his willingness to present this on our behalf, which is greatly appreciated.

Sincerely yours,



Ken Masters, Chair
Civil Litigation Rules Drafting Task Force

cc: Dan W. Bridges, BOG Liaison to Civil Litigation Rules Drafting Task Force



Kevin Bank, WSBA Staff Liaison
1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
206-733-5909 | kevinb@wsba.org | www.wsba.org

CIVIL LITIGATION RULES DRAFTING TASK FORCE

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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

WASHINGTON STATE BAR ASSOCIATION

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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.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Jaime Hawk, WSBA Council on Public Defense Member and WSBA Delegate to the ABA House of Delegates, and Diana Singleton, Access to Justice Manager and Staff Liaison to the Council on Public Defense

DATE: May 7, 2018

RE: ABA Resolution on Court Fines and Fees

FIRST READING WITH POSSIBLE ACTION: Support the proposed ABA Resolution on Court Fines and Fees.

OVERVIEW:

The American Bar Association (ABA)'s Working Group on Building Trust in the American Justice System is proposing to the ABA House of Delegates a resolution which urges federal, state, local, territorial, and tribal legislative, judicial and other government bodies to promulgate law and policy consistent with, and otherwise to adhere to, the proposed *Ten Guidelines on Court Fines and Fees* (see attached). This resolution is intended to principally 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. A policy position from the ABA will provide much needed leadership and guidance to federal, state, local, territorial, and tribal legislative, judicial and other government bodies, and to advocates before those bodies, on how to lawfully impose and enforce court fines and fees and how to address ongoing constitutional violations.

The ABA Working Group on Building Trust in the American Justice System is requesting that the WSBA sign on to be a supporter¹ of the proposed resolution. The Working Group plans to present the proposal at the House of Delegates meeting this August and requests the WSBA's support before then. The detail below provides background on the issue of court fines and fees as well as the Board of Governor (BOG)'s previous work on this issue.

BACKGROUND:

Court Fines and Fees

Fees, fines, costs, and restitution ordered by the court as part of a criminal sentence are called Legal Foundation Obligations (LFOs) in Washington. State and national research shows that imposing LFOs on individuals with an inability to pay creates a perpetual financial hardship that can be nearly impossible to overcome. Imposing LFOs on individuals unable to pay contributes to overall community destabilization by increasing barriers to post-sentence success for individuals seeking employment, housing, and other means to reenter society. In addition to

¹ The term "supporter" is used to describe an entity that votes to endorse the Resolution but has not been integrally involved with the original drafting. Names of supporting entities and individuals can be shared when the drafters promote their proposed resolution and give their presentation to the House of Delegates, but the names of supporters will not be included in the bound/electronic books or printed on documents such as the final calendar, daily journal, or the "official" summary of action.

increased hardship on the individual, collection of these obligations also creates a hardship for the criminal justice system.

WSBA Board of Governor's Past Work on Court Fines and Fees

The Board of Governors has discussed the issue of LFOs over the last several years. The Council on Public Defense (CPD) brought to the BOG in May 2016 the King County Bar Association (KCBA)'s resolution on LFOs (see attached) and CPD's draft statement on LFOs. Ultimately, the BOG approved CPD's statement on LFOs in September 2017 (see attached). The statement outlines support for legislative intervention to reform LFOs and includes a request that the legislature fund the courts sufficiently to perform their constitutional and statutory functions without reliance upon LFOs collected from poor and indigent persons.

There have been multiple proposals before the Washington State Legislature to change the LFO system. After several years of legislative advocacy, the Washington Legislature passed E2SHB 1783 during its most recent legislative session. The new law will help ensure that people who experience poverty are not unfairly jailed or tied for years to the criminal justice system because they are unable to pay court-imposed debts.

Since the CPD started working on the LFO statement for Washington, some of its members have been working with KCBA and others to encourage the ABA to develop similar national policy on LFOs. Their work has evolved to a point where the ABA Working Group on Building Trust in the American Justice System took the lead and drafted the proposed resolution and *Guidelines* to present to the ABA House of Delegates.

At its most recent meeting on May 4, 2018, CPD reviewed and approved of the proposed resolution and *Guidelines*. CPD strongly encourages the BOG to support the proposed resolution and *Guidelines*.

Proposed ABA Resolution on Court Fines and Fees

The proposed resolution and *Guidelines* seek to ensure that no one is subjected to disproportionate sanctions, including incarceration, simply because they do not have the money to pay a fine or fee. An important objective of the *Guidelines* is to eliminate any and all financial incentives in the criminal justice system to impose fines or fees, or to punish people who are unable to pay them. The justice system serves the entire public and should be entirely and sufficiently funded by general government revenue. The total funding for any given court or court system should not be directly affected by the imposition or collection of fines or fees.

RECOMMENDED ACTION:

The ABA Working Group on Building Trust in the American Justice System is requesting that the WSBA sign on to be a supporter of the proposed resolution by the end of July 2018.

AMERICAN BAR ASSOCIATION

**OFFICE OF THE PRESIDENT
WORKING GROUP ON BUILDING PUBLIC TRUST
IN THE AMERICAN JUSTICE SYSTEM**

SECTION ON CIVIL RIGHTS AND SOCIAL JUSTICE

STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS

CRIMINAL JUSTICE SECTION

SECTION ON STATE AND LOCAL GOVERNMENT LAW

MASSACHUSETTS BAR ASSOCIATION

KING COUNTY BAR ASSOCIATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association opposes the incarceration of
2 individuals merely because they are unable to pay judicially imposed fines and fees, and
3
4 FURTHER RESOLVED, That the American Bar Association adopts the black letter and
5 commentary to the Ten Guidelines on Court Fines and Fees dated August 2018; and
6
7 FURTHER RESOLVED, That the American Bar Association urges all federal, state,
8 local, territorial, and tribal legislative, judicial and other government bodies to apply the
9 Ten Guidelines on Court Fines and Fees to ensure due process and access to counsel in
10 the imposition and collection of fines and fees, and to ensure that individuals are not
11 sanctioned because they are unable to pay judicially imposed fines and fees.

AMERICAN BAR ASSOCIATION TEN GUIDELINES ON COURT FINES AND FEES

GUIDELINE 1: Limits to Fees

If a state or local legislature or a court imposes fees in connection with a conviction for a criminal offense or civil infraction, those fees must be related to the justice system and the services provided to the individual. The amount imposed, if any, should never be greater than an individual's ability to pay or more than the actual cost of the service provided. No law or rule should limit or prohibit a judge's ability to waive or reduce any fee, and a full waiver of fees should be readily accessible to people for whom payment would cause a substantial hardship.

COMMENTARY:

Many state and local legislatures have enacted mandatory surcharges and assessments, which seek to fund programs or services imposed when individual who is sentenced.¹ Courts in many states have also imposed a broad range of “user fees” on criminal defendants, ranging from supervision fees to drug testing fees.² Some fees are unrelated to the justice system or to the service provided.³ These surcharges, assessments, court costs, and user fees—collectively

¹ For example, Michigan requires judges to impose on people convicted of traffic and misdemeanor offenses a minimum state assessment *in addition to* any fines and costs. Hon. Elizabeth Hines, *View from the Michigan Bench*, National Center for State Courts 36, <http://www.ncsc.org/~media/Microsites/Files/Trends%202017/View-from-Michigan-Bench-Trends-2017.ashx>. The minimum assessment in Michigan misdemeanor cases is \$125. *Id.* See also *id.* 36 & n.2 (“When James W. pleads guilty to ‘Driving Without a Valid Operator’s License on His Person,’ it is unlikely anyone is aware that a portion of the fines and costs he is ordered to pay may be used to support libraries, the Crime Victims’ Rights Fund, retirement plans for judges, or, in one state, construction of a new law school.”).

² For an illustrative catalog of fees imposed in just a single case, see Alicia Bannon, Mitali Nagrecha & Rebekah Diller, *Criminal Justice Debt: A Barrier to Reentry*, The Brennan Center of Justice at New York University School of Law (2010), <https://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> (“*Criminal Justice Debt*”), at 9 (snapshot of Case Financial Information sheet from a criminal case in the Court of Common Pleas of Cambria County, Pennsylvania. See also Human Rights Watch, *Profiting from Probation America’s “Offender-Funded” Probation Industry* (2014), <https://www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry> (“*Profiting from Probation*”), at 27-31 (discussing “pay only” probation arrangements). See also Michelle Alexander, *The New Jim Crow* (2012), at 154-54 (describing the many types of “preconviction service fees,” such as jail book-in fees and public defender application fees, and post-conviction fees, including parole or probation service fees, that are imposed in states around the country).

³ For example, the vast majority of revenue collected from mandatory driver’s license reinstatement fees in Arkansas goes to the Arkansas State Police. Ark. Code Ann. § 27-16-808. In California, California, a \$4 fee is imposed for

known as “fees”—have proliferated to the point where they can eclipse the fines imposed in low-level offenses.⁴ Many states even impose “collection fees,” payable to private debt collection firms for the cost of collecting other fees, and well as fines.⁵ All such fees imposed in connection with a conviction or criminal offense or civil infraction should be eliminated because the justice system serves the entire public and should be entirely and sufficiently funded by general government revenue.⁶

If imposed at all, fees should be commensurate with the service they cover, and consistent with the financial circumstances of the individual ordered to pay, so that the fees do not result in substantial hardship to the individual or his/her dependents.⁷ A judge should always be permitted to waive or reduce any fee if an individual is unable to pay. Fees that are legislatively mandated should be revised to permit such waiver or reduction based on inability to pay.

When an individual is unable to pay, courts should not impose fees, including fees for counsel, diversion programs, probation, payment plans, community service, or any other alternative to the payment of money.⁸ An individual’s ability to pay should be considered at each stage of proceedings, including at the time the fees are imposed and before imposition of any sanction for nonpayment of fees, such as probation revocation, issuance of an arrest warrant for nonpayment, and incarceration. The consideration of a person’s ability to pay at each stage of proceedings is critical to avoiding what are effectively “poverty penalties,” *e.g.*, late fees, payment plan fees, and interest imposed when individuals are unable to pay fines and fees.

every criminal conviction, including traffic infractions, for Emergency Medical Air Transportation. Cal. Govt. Code § 76000.10(c)(1).

⁴ *Profiting from Probation* at 14.

⁵ *Criminal Justice Debt* at 17.

⁶ The National Task Force on Fines, Fees and Bail Practices was established by the Conference of Chief Justices and the Conference of State Court Administrators. In December 2017, the Task Force issued its “Principles on Fines, Fees, and Bail Practices” (the “National Task Force Principles” or “NTF Principles”) which are available at <http://www.ncsc.org/~media/Files/PDF/Topics/Fines%20and%20Fees/Principles-Fines-Fees.ashx>. Principle 1.5 states, “Courts should be entirely and sufficiently funded from general governmental revenue sources to enable them to fulfill their mandate. Core court functions should generally not be supported by revenues generated from court-ordered fines, fees, or surcharges.”

⁷ NTF Principle 1.6 states that fees should only be used for a narrow scope of “administration of justice” purposes and that “in no case should the amount of such a fee or surcharge exceed the actual cost of providing the service.” See also *The Criminalization of Poverty*, at 53.

⁸ See Amer. Bar Ass’n, Resolution 110 (2004 AM), *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*, Guideline 2 (“An accused person should not be ordered to pay a contribution fee that the person is financially unable to afford.”).

GUIDELINE 2: Limits to Fines

Fines used as a form of punishment for criminal offenses or civil infractions should not result in substantial and undue hardship to individuals or their families. No law or rule should limit or prohibit a judge's ability to waive or reduce any fine, and a full waiver of fines should be readily accessible to people for whom payment would cause a substantial hardship.

COMMENTARY:

Fines should be calibrated to reflect the financial circumstances of the individual ordered to pay,⁹ so that the fines do not result in substantial and undue hardship to the individual or his/her dependents.¹⁰

An individual's ability to pay should be considered at each stage of proceedings, including at the time fines are imposed and before any sanction for nonpayment, such as probation revocation, issuance of an arrest warrant for nonpayment, or incarceration.¹¹

GUIDELINE 3: Prohibition against Incarceration and Other Disproportionate Sanctions, Including Driver's License Suspensions.

A person's inability to pay a fine, fee or restitution should never result in incarceration or other disproportionate sanctions.¹²

⁹ *Amer. Bar Ass'n, Standards for Criminal Justice: Sentencing*, Standard 18.3.16 (d) ("The legislature should provide that sentencing courts, in imposing fines, are required to take into account the documented financial circumstances and responsibilities of an offender."). NTF Principle 2.3 states, "States should have statewide policies that set standards and provide for processes courts must follow when doing the following: assessing a person's ability to pay; granting a waiver or reduction of payment amounts; authorizing the use of a payment plan; and using alternatives to payment or incarceration." NTF Principle 6.2 urges that state law and court rules "provide for judicial discretion in the imposition of legal financial obligations."

¹⁰ *See Amer. Bar Ass'n, Resolution 111B (2016 AM)*, cmt. at 13 (urging the abolition of user-funded probation systems supervised by for-profit companies based on a detailed explanation of the Supreme Court's decision in *Bearden v. Georgia*, 461 U.S. 660, 672 (1983), and the problem of debtors' prisons—the unlawful incarceration of people too poor to pay court fines and fees); Council of Economic Advisers Issue Brief, *Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor* (Dec. 2015) ("CEA Brief"), at 5-6.

¹¹ *Amer. Bar Ass'n, Standards for Criminal Justice: Sentencing*, Standard 18.3.22(e) ("Non-payment of assessed costs should not be considered a sentence violation.")

¹² *Amer. Bar Ass'n, Resolution of the House of Delegates 111B cmt.* (Aug. 2016) (commentary on *Bearden* and debtors' prisons); *Amer. Bar Ass'n, Resolution of the House of Delegates 112C* (Aug. 2017) (urging governments to "prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant's inability to pay"). The reasoning underlying Resolution 112C's principle

COMMENTARY:

Despite the popular belief that “debtors’ prisons” have been abolished in the United States, people are still incarcerated because they cannot pay court fines and fees, including contribution fees for appointed counsel.¹³ In many states, people are incarcerated because they owe fines and fees and are unable to pay. Such incarceration has been documented in at least thirteen states since 2010.¹⁴ As the Brennan Center has explained, there are four “paths” to debtors’ prison: (1) many courts may revoke or withhold probation or parole upon an individual’s failure to pay; (2) some states authorize incarceration as a penalty for failure to pay, such as through civil contempt; (3) some courts force defendants to “choose” to serve prison time rather than paying a

against pretrial incarceration for inability to pay also applies to any stage of court proceedings that could lead to incarceration for inability to pay. NTF Principle 6.3 states that courts should make an ability-to-pay determination before ordering incarceration or probation revocation for failure to pay. Principle 4.3 states that courts should make an ability-to-pay determination before ordering license suspension for failure to pay.

¹³ The ABA opposes incarceration for inability to pay contribution fees for appointed counsel. *E.g.*, Amer. Bar Ass’n, Resolution 110 (2004 AM), *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*, Guideline 4 (“Failure to pay a contribution fee should not result in imprisonment or the denial of counsel at any stage of proceedings.”).

¹⁴ American Civil Liberties Union, *In For A Penny: The Rise Of America’s New Debtors’ Prisons* (2010), https://www.aclu.org/files/assets/InForAPenny_web.pdf. (documenting incarceration for unpaid fines and fees in Michigan, Ohio, Georgia, Louisiana, and Washington); CLU of Louisiana, *Louisiana Debtors’ Prisons: An Appeal To Justice* (2015), https://www.laclu.org/resources/LADebtorsPrisons_2015.pdf; ACLU of New Hampshire, *Debtors’ Prisons In New Hampshire* (2015), <http://aclu-nh.org/wp-content/uploads/2015/09/Final-ACLU-Debtors-Prisons-Report-9.23.15.pdf>; ACLU of Ohio, *In Jail & In Debt: Ohio’s Pay-To-Stay Fees* (2015), <http://www.acluohio.org/wp-content/uploads/2015/11/InJailInDebt.pdf>; ACLU of Ohio, *The Outskirts Of Hope: How Ohio’s Debtors’ Prisons Are Ruining Lives And Costing Communities* (2013), http://www.acluohio.org/wp-content/uploads/2013/04/TheOutskirtsOfHope2013_04.pdf; ACLU of Washington and Columbia Legal Services, *Modern-Day Debtors’ Prisons: The Ways Court-Imposed Debts Punish People For Being Poor* (2014), <https://aclu-wa.org/sites/default/files/attachments/Modern%20Day%20Debtor%27s%20Prison%20Final%20%283%29.pdf>; Alison Beyea, *Legislature Has a Chance to End Debtors’ Prisons in Maine*, ACLU of Maine blog (Mar. 8, 2016), <https://aclumaine.org/legislature-has-chance-end-debtors-prisons-maine>; Debtors’ Prisons, ACLU of Colorado, <http://aclu-co.org/court-cases/debtors-prisons> (compiling 2013 letters to municipalities of Westminster, Northglenn, and Wheat Ridge concerning illegal jailing of people unable to pay fines and fees); Press Release, ACLU of Colorado, Colorado Legislature Approves Ban on Debtors’ Prisons (Apr. 23, 2014), <http://aclu-co.org/colorado-legislature-approves-ban-debtors-prisons>; Complaint, *Thompson v. Dekalb County*, No. 1:15-cv-280-TWT (N.D. Ga. Jan. 29, 2015), https://www.aclu.org/sites/default/files/field_document/2015.01.29_filed_thompson_complaint.pdf; Complaint, *Fuentes v. Benton County*, Washington, No. 15-2-02976-1 (Sup. Ct. Wash. Yakima County Oct. 6, 2015), https://www.aclu.org/sites/default/files/field_document/fuentes_v_benton_county_-_complaint.pdf; Complaint, *Kennedy v. City of Biloxi*, No. 1:15-cv-00348-HSO-JCG (S.D. Miss. Oct. 21, 2015), <https://www.aclu.org/kennedy-v-city-biloxi-complaint>; Complaint for Superintending Control, *In re Donna Elaine Anderson*, Circuit Court Case No. 15-2380-AS (Cir. Court County of Macomb Jul. 9, 2015), http://www.aclumich.org/sites/default/files/Complaint_for_Superintending_Control_with_exhibits_FILED.pdf.

court-imposed debt; and (4) many states authorize law enforcement officials to arrest individuals for failure to pay and to hold them while they await an ability-to-pay hearing.¹⁵

In the seminal 1983 *Bearden* decision, the U.S. Supreme Court ruled that courts may not incarcerate an individual for nonpayment of a fine or restitution without first holding a hearing on the individual's ability to pay and making a finding that the failure to pay was "willful."¹⁶ ABA policy reflects this principle.¹⁷ The *Bearden* case followed a line of cases in which the Supreme Court had attempted to make clear that individuals who are unable to pay a fine or fee should not be incarcerated for failure to pay.¹⁸ Unfortunately, the problem persists almost a half-century later.

Fines and fees that are not income-adjusted (*i.e.*, are not set at an amount the person reasonably can pay) are regressive and have a disproportionate, adverse impact on low-income people and people of color.¹⁹ For these and other reasons, incarceration and other disproportionate

¹⁵ *Criminal Justice Debt* at 20-26. See also *Profiting from Probation* at 51-52. This "harsh reality" of people being incarcerated for failure to pay impossible-to-pay fees and fines "harks back to the days after the Civil War, when former slaves and their descendants were arrested for minor violations, slapped with heavy fines, and then imprisoned until they could pay their debts. The only means to pay off their debts was through labor on plantations and farms. . . . Today, many inmates work in prison, typically earning far less than the minimum wage." Alexander, *The New Jim Crow*, at 157.

¹⁶ *Bearden*, 461 U.S. at 667-69.

¹⁷ Amer. Bar Ass'n, Resolution 111B (2016 AM), cmt. (commentary on *Bearden* and debtors' prisons). See also Amer. Bar Ass'n, Resolution 112C (2017 MY) (urging governments to "prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant's inability to pay"). The rationale for Resolution 112C's principle against pretrial incarceration for inability to pay also applies to any stage of court proceedings that could lead to incarceration for inability to pay. See also Amer. Bar Ass'n, *Standards for Criminal Justice: Sentencing* 18-3.22 (Sentencing courts should consider an individual's ability to pay before determining whether to assess fines or fees and how much to assess).

¹⁸ See, e.g., *Williams v. Illinois*, 399 U.S. 235 (1970) (holding that an Illinois law requiring that an individual who was unable to pay criminal fines "work off" those fines at a rate of \$5 per day violated the Equal Protection Clause because the statute "works an invidious discrimination solely because he is unable to pay the fine"); *Tate v. Short*, 401 U.S. 395 (1971) ("Imprisonment in such a case [of an 'indigent defendant without the means to pay his fine'] is not imposed to further any penal objective of the State. It is imposed to augment the State's revenues but obviously does not serve that purpose [either]; the defendant cannot pay because he is indigent.").

¹⁹ Studies show that the imposition and enforcement of fines and fees disproportionately and regressively affect low-income individuals and families. See, e.g., *CEA Brief*, at 5-8. For example, in many jurisdictions Black people disproportionately experience license suspensions for nonpayment of fines and fees, due in part to racial disparities in wealth and poverty. See *Back on the Road California, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California*, at 27 (2016) (hereinafter "Stopped, Fined, Arrested"), http://ebcllc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf. These racial disparities in license suspension in turn contribute to racial disparities in conviction for driving on a suspended license, making Black people in these states disproportionately vulnerable to the resulting steep financial penalties. See Legal Aid Justice Center, *Driven by Dollars: a State-by-State Analysis of Driver's License Suspension Laws for Failure to Pay Court Debt* (2017), <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>. Such racial disparities in the adverse impact of the imposition and

sanctions, including driver's license suspension, should never be imposed for a person's inability to pay a fine or fee.²⁰ The same principle applies with full force to restitution and forfeiture. Although restitution and forfeiture are beyond the scope of these *Guidelines*, at minimum it is clear that a person who is unable to pay *any* court-imposed financial obligation—including restitution or forfeiture—must not be incarcerated or subjected to other disproportionate sanction for failure to pay.

Just as a person's ability to pay should be considered in imposing a fine or fee in the first place, and must be considered when imposing incarceration for failure to pay, the same principles apply to other disproportionate sanctions short of incarceration. A disproportionate sanction for nonpayment of court fines and fees includes any sanction with a substantial adverse impact on the life of the individual.

A common sanction used by courts in the vast majority of states for failure to pay a fine is the suspension of a driver's license, often imposed without a hearing. People who are prohibited from driving often lose their ability to work or attend to other important aspects of their lives.²¹ Suspending a driver's license can lead to a cycle of re-incarceration, because many such individuals find themselves in the untenable position of either driving with a suspended license or losing their jobs, and because driving on a suspended license is itself an offense that may be sanctioned with incarceration.²² Suspending a driver's license for nonpayment is therefore out of proportion to the purpose of ensuring payment and destructive to that end.²³

enforcement of court fines and fees also contribute to tension between law enforcement and courts on the one hand and the communities of color they serve on the other, as documented in a devastating 2015 report by the U.S. Department of Justice. See U.S. Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department*, at 79-81 (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf (detailing evidence of how municipal court and policing practices related to court fine and fee collection erode community trust in law enforcement).

²⁰ NTF Principle 4.3 states that, "Courts should not initiate license suspension procedures until an ability to pay hearing is held and a determination has been made on the record that nonpayment was willful. . . . Judges should have discretion to modify the amount of fines and fees imposed based on an offender's income and ability to pay." See also *Robinson v. Purkey*, No. 3:17-cv-1263, 2017 WL 4418134, at *8 (M.D. Tenn. Oct. 5, 2017) ("No person . . . can be threatened or coerced into doing the impossible, and no person can be threatened or coerced into paying money that she does not have and cannot get.").

²¹ See *Fowler v. Johnson*, No. 17-11441, 2017 WL 6540926, at *2 (E.D. Mich. Dec. 17, 2017) (finding that "the loss of a driver's license, particularly in a state like Michigan lacking an efficient and extensive public transportation system, hinders a person's ability to travel and earn a living" and preliminarily enjoining Michigan's system for suspending driver's licenses upon non-payment of traffic tickets).

²² See Department of Justice "Dear Colleague" Letter (March 14, 2016), <https://www.courts.wa.gov/subsite/mjc/docs/DOJDearColleague.pdf> ("Department of Justice Guidance"), at 6 ("In many jurisdictions, courts are also authorized—and in some cases required—to initiate the suspension of a defendant's driver's license to compel the payment of outstanding court debts. If a defendant's driver's license is suspended because of failure to pay a fine,

Nothing in this Guideline is intended to preclude a court from issuing an arrest warrant to secure the court appearance of a defendant who failed to appear if the court determines that the defendant received actual notice of the hearing. Courts should endeavor to ensure that any defendants arrested on failure-to-appear warrants are expeditiously brought before a judicial officer. In such circumstances, no person should be jailed without a hearing on ability to pay; in no event should bail or the bond amount on the warrant be set purposely to correspond with the amount of any fines and fees owed.

GUIDELINE 4: Mandatory Ability-To-Pay Hearings

Before a court imposes a sanction on an individual for nonpayment of fines, fees, or restitution, the court must first hold an “ability-to-pay” hearing, find willful failure to pay a fine or fee the individual can afford, and consider alternatives to incarceration.

COMMENTARY:

As set forth in Guideline 3, if a person is unable to pay a fine or fee, he or she should not be incarcerated or subjected to any other disproportionate sanction, including suspension of a driver’s license. There must also be procedures to ensure protection of that right, including a hearing where a court determines whether an individual is able, or unable, to pay the fine or fee at issue. In other words, at minimum the procedures set forth in *Bearden* must precede any incarceration or imposition of any other sanction for nonpayment of a fine or fee.²⁴ These procedures must apply whenever a sanction is being sought for nonpayment of a fine or fee, including in connection with deferred sentencing, implementation of a suspended incarceration sentence, or extension or revocation of probation, parole, or other form of supervision.

such a suspension may be unlawful if the defendant was deprived of his due process right to establish inability to pay.”). *See also Criminal Justice Debt* at 24-25 (explaining the consequences of driver’s license suspensions).

²³ In *Robinson*, a federal court in Tennessee ordered the restoration of driver’s licenses for individuals’ whose licenses had been suspended for nonpayment finding that a license suspension is “not merely out of proportion to the underlying purpose of ensuring payment, but affirmatively destructive of that end.” 2017 WL 4418134, at *7. The court held that “taking an individual’s driver’s license away to try to make her more likely to pay a fine is not using a shotgun to do the job of a rifle: it is using a shotgun to treat a broken arm. There is no rational basis for that.” *Id.* at *9.

²⁴ *See Bearden*, 461 U.S. at 667-69 (incarceration for failure to pay a fine and restitution); *Turner v. Rogers*, 564 U.S. 431, 449 (2011) (incarceration for failure to pay child support); *Robinson*, 2017 WL 4418134, at *8-9 (driver’s license suspension). *See also Department of Justice Guidance* at 3 (“Courts must not incarcerate a person for nonpayment of fines or fees without first conducting an indigency determination and establishing that the failure to pay was willful. . . . Further, a court’s obligation to conduct indigency inquiries endures throughout the life of a case.”).

Courts must also provide adequate and meaningful notice of an ability-to-pay hearing to people alleged to have failed to pay, including notice of the hearing date, time and location, the subject matter to be addressed, and advisement of all applicable rights, including any right to counsel.²⁵

GUIDELINE 5: Prohibition against Deprivation of Other Fundamental Rights

*Failure to pay court fines and fees should never result in the deprivation of fundamental rights, including the right to vote.*²⁶

COMMENTARY:

Payment of court fines and fees should never be tied to a person's ability to exercise fundamental rights, which include the right to vote and the right to the care, custody, and control of one's children.²⁷ Yet, in certain states, the exercise of these fundamental rights is conditioned on the payment of court fines and fees by statute or through court practice.

For example, court fines and fees can effectively serve as a poll tax because certain states, including Georgia, require payment of all outstanding court fines and fees before a person

²⁵ In connection with the NTF Principles, the National Task Force on Fines, Fees and Bail Practices also published a "Bench Card for Judges" entitled *Lawful Collection of Legal Financial Obligations*, available at http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx. The Bench Card explains the importance of affording "Adequate Notice of the Hearing to Determine Ability to Pay," and recognizes that such notice "shall include" notice of: the hearing date and time; the total amount due; that the court will evaluate the person's ability to pay at the hearing; that the person should bring any documentation or information the court should consider in determining ability to pay; that incarceration may result only if alternative measures are not adequate to meet the state's interests in punishment and deterrence or the court finds that the person had the ability to pay and willfully refused; the right to counsel; and that a person unable to pay can request payment alternatives, including, but not limited to, community service and/or reduction in the amount owed. *See also Department of Justice Guidance* at 5 ("Courts should ensure that citations and summonses adequately inform individuals of the precise charges against them, the amount owed or other possible penalties, the date of their court hearing, the availability of alternate means of payment, the rules and procedures of court, their rights as a litigant, or whether in-person appearance is required at all. Gaps in this vital information can make it difficult, if not impossible, for defendants to fairly and expeditiously resolve their cases.").

²⁶ The term "fundamental right" as used in this principle does not include freedom from incarceration, which is addressed in Guidelines 3 and 4.

²⁷ *See Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) (referring to "the political franchise of voting" as "a fundamental political right, because [it is] preservative of all rights"); *Reynolds v. Sims*, 377 U.S. 533, 561-562 (1964) ("Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."); *Troxel v. Granville*, 530 U.S. 57, 66 (2000) (collecting cases recognizing "the fundamental right of parents to make decisions concerning the care, custody, and control of their children").

convicted of a felony can regain his or her ability to vote.²⁸ In other states, reported nonpayment or willful nonpayment of fines and fees can lead to a revocation of voting rights.²⁹ And researchers have found that in states where people are prohibited from voting “while incarcerated or under other forms of criminal justice supervision,” people can suffer from voting restrictions as a result of “additional sanctions associated with or triggered by nonpayment,” such as violation of conditions of supervision and revocation of probation.³⁰ Although not required by state statute, there are also troubling reports that parents have been denied contact with their children until they have made payment on outstanding court fees—a deprivation of their fundamental right to make decisions concerning the care, custody, and control of their children.³¹

The deprivation of fundamental rights, such as the right to vote, or to the care, custody, and control of one’s children, should never result from inability to pay or even a willful failure to pay by a person with means. No government interest in collecting court fines and fees, or in achieving punishment and deterrence through such collection, warrants the deprivation of such fundamental rights.

GUIDELINE 6: Alternatives to Incarceration, Substantial Sanctions, and Monetary Penalties

For people who are unable to pay fines or fees, courts must consider alternatives to incarceration and to disproportionate sanctions, and any alternatives imposed must be reasonable and proportionate to the offense.

²⁸ Alexes Harris, *et al.*, *Monetary Sanctions in the Criminal Justice System: A review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas, and Washington* 14, <http://www.monetarysanctions.org/wp-content/uploads/2017/04/Monetary-Sanctions-Legal-Review-Final.pdf>.

²⁹ *Id.* (“In Washington, failure to make three payments in a twelve-month period can lead to a revocation of voting rights. The court can also revoke voting rights if they determine that a person has willfully failed to comply with the terms of payment.”).

³⁰ *Id.* (“In Missouri, Illinois, and New York, nonpayment of legal financial obligations can be considered a violation of conditions of supervision which can potentially lead to an extension of supervision or revocation of probation and parole. In Minnesota, probation can be extended for up to five years for unpaid restitution and probation can be revoked for failure to pay for mandatory conditions of probation.”).

³¹ In 2017, a Youth Court Judge in Mississippi entered an order prohibiting a mother from having contact with her four-month-old baby until she paid her court fees in full, and was reported to have taken similar action with respect to other parents. The University of Mississippi School of Law, *MacArthur Justice Center Initiated Demands that Led to Mississippi Youth Court Judge Resigning* (Oct. 26, 2017), <https://law.olemiss.edu/macarthur-justice-center-initiated-demands-that-led-to-mississippi-youth-court-judge-resigning>.

COMMENTARY:

Fines seek to punish and deter—goals that can often be served fully by alternatives to incarceration and disproportionate sanctions like driver’s license suspension. Reasonable alternatives include: an extension of time to pay; reduction in the amount owed; and waiver of the amount owed.³² Frequently, the most reasonable alternative to full payment of a fine that a person cannot afford is reduction of the fine to an amount that an individual can pay.

As addressed above, fees seek to recoup court costs, generate revenue for programs through surcharges or assessments, or cover the cost of services related to the justice system. Fees should only be imposed if, among other things, the individual is able to pay. If a person who has been required to pay a fee subsequently cannot afford to pay, the fee should be waived entirely or reduced to an amount the person can pay.³³

Judges must have the authority to waive any or all fines and fees if the person has no ability to pay. Any non-monetary alternatives to payment of a fine, such as community service, treatment, or other social services, should be developed in line with the individual’s circumstances.³⁴ Participation in these alternatives should never be conditioned on the waiver of due process rights, such as the right to a hearing or to counsel. Nor should additional fees be imposed as a condition of participating in the alternative ordered.³⁵

Any non-monetary alternatives should be reasonable and proportional in light of the individual’s financial, mental, and physical capacity, any impact on the individual’s dependents, and any other limitations, such as access to transportation, school, and responsibilities for caregiving and employment. Non-monetary alternatives should also be proportional to the offense and not force individuals who cannot pay to provide free services beyond what is proportional.

³² *Bearden*, 461 U.S. at 672.

³³ NTF Principle 6.5 provides:

Courts should not charge fees or impose any penalty for an individual’s participation in community service programs or other alternative sanctions. Courts should consider an individual’s financial situation, mental and physical health, transportation needs, and other factors such as school attendance and caregiving and employment responsibilities, when deciding whether and what type of alternative sanctions are appropriate.

³⁴ *Bearden*, 461 U.S. at 667-69; *Report on the Future of Legal Services in the United States*, ABA Commission on the Future of Legal Services (2016), <http://abafuturesreport.com>, at 62 (endorsing the principle that courts must consider alternatives to incarceration for indigent defendants unable to pay fines and fees). *See also* Amer. Bar Ass’n, Resolution 102C (2010 MY) (recommending local, state, territorial and federal governments to undertake a comprehensive review of the misdemeanor provisions of their criminal codes, and, where appropriate, to allow the imposition of civil fines or nonmonetary civil remedies instead of criminal sanctions).

³⁵ NTF Principle 6.8 provides that courts should never charge interest on payment plans.

GUIDELINE 7: Ability-to-Pay Standard

Ability-to-pay standards should be clear and consistent and should, at a minimum, require consideration of at least the following factors: receipt of needs-based or means-tested public assistance; income relative to an identified percentage of the Federal Poverty Guidelines; homelessness, health or mental health issues; financial obligations and dependents; eligibility for a public defender or civil legal services; lack of access to transportation; current or recent incarceration; other fines and fees owed to courts; any special circumstances that bear on a person's ability to pay; and whether payment would result in manifest hardship to the person or dependents.

COMMENTARY:

Courts should apply a clear and consistent standard to determine an individual's ability to pay court fines and fees.³⁶

All court actors, including judges, prosecutors, probation officers, and defenders, should be trained in the standards used in their jurisdiction to determine ability to pay and the constitutional protections for people who cannot afford to pay court-ordered financial obligations.

GUIDELINE 8: Right to Counsel

An individual who is unable to afford counsel must be provided counsel, without cost, at any proceeding, including ability-to-pay hearings, where actual or eventual incarceration could be a consequence of nonpayment of fines and/or fees. Waiver of counsel must not be permitted unless the waiver is knowing, voluntary and intelligent, and the individual first has been offered a meaningful opportunity to confer with counsel capable of explaining the implications of pleading guilty, including collateral consequences.

COMMENTARY:

³⁶ The National Task Force's "Bench Card" (http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx), a step-by-step guide for state and local judges to use to protect the rights of people who cannot afford to pay court fines and fees, includes a set of factors judges should consider when making an ability-to-pay determination.

No indigent person should be incarcerated without being offered the assistance of court-appointed counsel to ensure that due process standards are met and that all potential defenses are considered. Such counsel should be provided in all proceedings “regardless of their denomination as felonies, misdemeanors, or otherwise.”³⁷ Moreover, counsel should be offered whenever eventual incarceration is a possible result regardless of whether the proceeding at issue is denominated “criminal” or “civil”.³⁸ The cost to the court of providing counsel is not a legitimate justification for the failure to provide counsel when it is required by law.³⁹

It is longstanding ABA policy that, “[n]o waiver of counsel be accepted unless the accused has at least once conferred with a lawyer.”⁴⁰ This ensures that an individual who intends to waive counsel has a full understanding of the assistance that counsel can provide.⁴¹ Judges have the primary responsibility for ensuring that counsel is appointed, that individuals receive effective assistance of counsel,⁴² and that any waivers of counsel are knowing and voluntary.⁴³ Judges

³⁷ Amer. Bar Ass’n, Resolution 114 (MY 2018), https://www.americanbar.org/news/reporter_resources/midyear-meeting-2018/house-of-delegates-resolutions/114.html (urging federal, state, local, territorial and tribal governments “to provide legal counsel as a matter of right at public expense to low-income persons in all proceedings that may result in a loss of physical liberty, regardless of whether the proceedings are: a) criminal or civil; or b) initiated or prosecuted by a government entity.”). See also Amer. Bar Ass’n, *ABA Basic Principles for a Right to Counsel in Civil Legal Proceedings* (2010), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_105_revised_final_aug_2010.authcheckdam.pdf; Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-5.1 (3d ed. 1992), https://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_defsvcs_blk.html.

³⁸ See Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-5.2 cmt. (3d ed. 1992), https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/providing_defense_services.authcheckdam.pdf, at 65 (“[T]he line between criminal and civil proceedings which give rise to a constitutional right to counsel has become increasingly blurred. Thus, protected liberty interests have extended due process concepts to justify the provision of counsel for indigent litigants in such ‘quasi-criminal’ matters[.]”); Amer. Bar Ass’n, Resolution 114 (MY 2018) at 6 (reiterating that commentary about the blurring between criminal and civil proceedings).

³⁹ NTF Principle 4.4 states that indigent defendants should be provided with court-appointed counsel at no charge.

⁴⁰ Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-8.2(b) (3d ed. 1992), https://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_defsvcs_blk.html#8.2.

⁴¹ *Id.* cmt., https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/providing_defense_services.authcheckdam.pdf, at 105 (“An accused who expresses a desire to proceed without counsel may sometimes fail to understand fully the assistance a lawyer can provide. Accordingly, this standard recommends that ‘[n]o waiver should be accepted unless the accused has at least once conferred with a lawyer.’ Some courts have recognized that counsel may be assigned by the court for this limited purpose. Such a practice helps to counter the argument that any waiver of counsel by a layperson must be the result of insufficient information or knowledge.”).

⁴² *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (“[W]e think the matter, for the most part, should be left to the good sense and discretion of the trial courts with the admonition that if the right to counsel guaranteed by the Constitution is to serve its purpose, defendants cannot be left to the mercies of incompetent counsel, and that judges should strive to maintain proper standards of performance by attorneys who are representing defendants in criminal cases in their courts.”)

should never encourage unrepresented persons who qualify for public defense services to waive counsel.⁴⁴ “An accused should not be deemed to have waived the assistance of counsel until the entire process of offering counsel has been completed before a judge and a thorough inquiry into the accused’s comprehension of the offer and capacity to make the choice intelligently and understandingly has been made.”⁴⁵ Accordingly, prosecutors should not seek waivers of the right to counsel from unrepresented accused persons.⁴⁶ Only after the defendant has properly waived counsel may a prosecuting attorney “engage in plea discussions with the defendant,” and “where feasible, a record of such discussions should be made and preserved.”⁴⁷

GUIDELINE 9: Transparency

Information concerning fines and fees, including financial and demographic data, should be publicly available.

COMMENTARY:

Courts should track and timely⁴⁸ make available to the public data documenting: a) court revenue and expenditures, including the aggregate amount of fines and any fees imposed, the aggregate amount of fines and any fees collected, and the aggregate cost of collecting fines and fees; b) the

⁴³ *Id.* See also *Johnson v. Zerbst*, 304 U.S. 458, 465 (1947) (“The constitutional right of an accused to be represented by counsel invokes, of itself, the protection of a trial court, in which the accused whose life or liberty is at stake is without counsel. This protecting duty imposes the serious and weighty responsibility upon the trial judge of determining whether there is an intelligent and competent waiver by the accused. While an accused may waive the right to counsel, whether there is a proper waiver should be clearly determined by the trial court[.]”).

⁴⁴ See Model Code of Judicial Conduct, Rule 2.6 (providing that a judge must “accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law,” and should not “act in a manner that coerces any party into settlement”).

⁴⁵ See Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-8.2. See also *id.* (“A waiver of counsel should not be accepted unless it is in writing and of record.”).

⁴⁶ Amer. Bar Ass’n, *Standards for Criminal Justice: Prosecution Function* 3-5.1(e) (“The prosecutor should not approach or communicate with an accused unless a voluntary waiver of counsel has been entered or the accused’s counsel consents.”). See also Model Rules of Professional Conduct, Rule 3.8(c) (Prosecutors shall not “seek to obtain from an unrepresented accused a waiver of important pretrial rights.”); *id.* Rule 3.8(b) (Prosecutors “shall make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel”); *id.* Rule 4.1 (providing that officers of the court should not fail to disclose material facts when dealing with persons other than clients).

⁴⁷ Amer. Bar Ass’n, *Standards for Criminal Justice: Prosecution Function* 3-4.1(b) (4th ed. 2015), https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html (“A prosecutor should not use illegal or unethical means to obtain evidence or information, or employ, instruct, or encourage others to do so.”).

⁴⁸ “Timely” means as soon as feasible after the information is collected.

amount of fines and fees imposed, waived, and collected in each case; c) any cost to the court of administering non-monetary alternatives to payment, including community service and treatment programs;⁴⁹ and d) demographic data regarding people ordered to pay fines and fees.⁵⁰ The need for transparency is especially compelling with respect to private probation companies.⁵¹

GUIDELINE 10: Collection Practices

Any entities authorized to collect fines, fees, or restitution, whether public or private, should abide by these Guidelines and must not directly or indirectly attempt to thwart these Guidelines in order to collect money; nor should they ever be delegated authority that is properly exercised by a judicial officer, such as the authority to adjudicate whether a person should be incarcerated for failure to pay. Any contracts with collection companies should clearly forbid intimidation, prohibit charging interest or fees, mandate rigorous accounting, outlaw reselling, and otherwise avoid incentivizing harmful behavior. Contracts should include some mechanism for monitoring compliance with these prohibitions.

COMMENTARY:

Many jurisdictions have awarded contracts to private companies to collect fines and fees, for diversion programs, or to supervise probation. Others have created a public agency or office responsible for collections of fines and fees. Often these entities, and especially those that are “for-profit” companies, have an interest in maximizing collections, and thus face inherent conflicts of interest when charging fees for diversion or probation, seeking to collect fines and fees, and informing probationers of their right to counsel in probation revocation hearings concerning charges of probation violation due to nonpayment of fines and fees.⁵² Often these entities have imposed additional fees when people cannot immediately pay fines and fees, have

⁴⁹ The cost to the court of administering any non-monetary alternative to payment should never be imposed on the defendant or respondent.

⁵⁰ See National Center for State Courts, *Principles for Judicial Administration* 11 (2012) (requiring transparency and accountability through the use of performance measures and evaluation at all levels of the court system). See also Amer. Bar Ass’n, Resolution 302 (MY 2011) (urging state and local governments to identify and engage in best practices for court funding to insure protection of their citizens, efficient use of court resources, and financial accountability). NTF Principle 3.2 provides that “[a]ll courts should demonstrate transparency and accountability in the collection of fines, fees, costs, surcharges, assessments, and restitution, through the collection and reporting of financial data and the dates of all case dispositions to the state’s court of last resort or administrative office of the courts.”

⁵¹ *Profiting from Probation*, at 18 (“A good place for state governments to start would be to require basic transparency about the revenues probation companies extract from probationers. No state does this now.”).

⁵² *Department of Justice Guidance* at 8; *Profiting from Probation* at 42-44.

misinformed indigent people facing incarceration for nonpayment of their right to counsel in such proceedings, and have failed to help courts identify people whose debts should be waived, reduced, or converted to carefully thought-out non-monetary alternatives.⁵³

The integrity of the criminal justice system depends on eliminating such conflicts of interest. These conflicts thwart the fair and neutral provision of justice that is integral to due process and must be the hallmark of our justice system.⁵⁴ Therefore, courts and state and local governments ensure that all entities that collect fines and fees or administer diversion or probation, including for-profit companies, abide by these *Guidelines*.

Courts should only forward for collection those cases in which an individual has been found to have willfully failed to pay following a court hearing in adherence to these *Guidelines*. Any contracts with collection companies should clearly forbid intimidation, prohibit charging interest or fees, mandate rigorous accounting, outlaw reselling, and otherwise avoid incentivizing harmful behavior. Contracts should also include some mechanism for monitoring compliance with these prohibitions.

⁵³ See *Rodriguez v. Providence Community Corrections*, 155 F. Supp. 3d 758, 771 (M.D. Tenn. Dec. 17, 2017) (finding that a for-profit collection company's failure to inquire into ability to pay before stacking fees, effectively revoking probation, raised due process and equal protection concerns).

⁵⁴ See Amer. Bar Ass'n, Resolution 111B (2016 AM) and Report (condemning the use of for-profit companies for user-funded probation with reasoning that supports the principle against the use of for-profit companies to collect court fines and fees).

REPORT

In July 2016, in the face of increasing racial tensions, retaliatory violence against police officers, and a growing sense of public distrust in our nation's justice system, the ABA created the Task Force on Building Public Trust in the American Justice System. The Task Force wrote a Report, adopted by the ABA Board of Governors in February 2017, that calls on the ABA and state and local bar entities to: (1) Encourage the adoption of best practices for reforming the criminal justice system; (2) Build consensus about needed reforms and work to carry them out; and (3) Educate the public about how the criminal justice system works.⁵⁵ In August, 2017, incoming ABA President Hilarie Bass appointed a Working Group to continue the work of the Task Force. The Working Group chose to focus in on one particular issue causing distrust of the justice system – the imposition and enforcement of excessive fines and fees. The Working Group chose to focus first on this topic because it adversely impacts millions of Americans and has contributed significantly to negative public perceptions of the justice system.

Every day in the United States, courts impose myriad financial obligations on individuals who have been charged with criminal offenses or civil infractions. These include **fines** imposed as part or all of the punishment levied against them for low-level offenses, such as traffic tickets or civil ordinance violations, as well as misdemeanors and felonies.⁵⁶ They also include **fees**, which, are not imposed to punish or deter offenses but to raise revenue or fund services.⁵⁷ Some fees are legislatively-mandated assessments or charges to recoup court costs, while others are “user fees” assessed to help fund the justice system, including costs associated with probation, public defenders, diversion programs, and court costs, as well as other essential government services. They also include orders of forfeiture and restitution, which are not the focus of these

⁵⁵ Report of the Task Force on Building Public Trust in the American Justice System (January 2017), available at https://www.americanbar.org/content/dam/aba/administrative/office_president/2_8_task_force_on_building_trust_in_american_justice_system.authcheckdam.pdf. Following the issuance of the Report, the Task Force focused on creating dialogue around the issues of distrust in the justice system, developing a Toolkit for holding forums on safety and justice. The Toolkit is available at https://www.americanbar.org/groups/leadership/office_of_the_president/publictrust.html.

⁵⁶ The term “fines” includes monetary penalties imposed by a court as punishment for a criminal offense or civil infraction. For purposes of these *Guidelines*, restitution and forfeiture are not included in the definition of “fines and fees.”

⁵⁷ The term “fees” includes fees, court costs, state and local assessments, and surcharges imposed when a person is convicted of criminal offenses and civil infractions. The term, as used in these *Guidelines*, does not include civil filing fees.

Guidelines, although several of the principles underlying these Guidelines apply to forfeiture and restitution as well.⁵⁸

The imposition and enforcement of these fines and fees disproportionately harm the millions of Americans who cannot afford to pay them, entrenching poverty, exacerbating racial and ethnic disparities, diminishing trust in our justice system and trapping people in cycles of punishment simply because they are poor. In communities around the country, millions of people are incarcerated, subjected to the suspension of driver's and occupational licenses, or prohibited from voting simply because they cannot afford to pay fines or fees imposed by courts. Even children are incarcerated for failure to pay fines or fees, even though children almost by definition lack a personal ability to pay such fines or fees.

An estimated 10 million Americans owe more than \$50 billion resulting from their involvement in the criminal justice system.⁵⁹ Some are sentenced solely to the payment of fines and fees. Others have been sentenced to prison terms in addition to any fines and fees imposed. According to the most recently available numbers, approximately two-thirds of people in prison have been assessed court fines and fees.⁶⁰ This remarkable statistic persists even though people sent to prison often have little prospect of earning enough money to pay their debt: 65 percent of prisoners do not have a high school diploma, and 15 to 27 percent of people leaving prison or jail expect to go to a homeless shelter upon release and as many as 60 percent remain unemployed a year after release.⁶¹

Studies show that the imposition and enforcement of fines and fees disproportionately and regressively affect low-income individuals and families.⁶² Communities of color are particularly devastated for reasons that include the longstanding racial and ethnic wealth gap,⁶³ higher rates

⁵⁸ For example, as noted below with respect to Guideline 3, a person who is unable to pay an order of restitution should not be incarcerated for failure to pay.

⁵⁹ Lauren-Brooke Eisen, *Charging Inmates Perpetuates Mass Incarceration*, The Brennan Center of Justice at New York University School of Law (2015) ("*Charging Inmates*"), at 1.

⁶⁰ Alexes Harris, Heather Evans & Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States*, 15 Am. J. Sociology 1753, 1769 (2010) (citing statistics from 2004).

⁶¹ *The Criminalization of Poverty: How to Break the Cycle through Policy Reform in Maryland*, The Job Opportunities Task Force (Jan. 2018), http://www.jotf.org/Portals/0/jotf/publications/COP%20report%20013018_FINAL.pdf ("*The Criminalization of Poverty*") at 46.

⁶² See, e.g., Council of Economic Advisers Issue Brief, *Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor* (Dec. 2015) ("*CEA Brief*"), at 5-8.

⁶³ A 2013 Pew Research Center study of federal data found that the median wealth of white households was 13 times the median wealth of Black households, and 10 times the median wealth of Latino households. See Rakesh Kochhar & Richard Fry, *Wealth Inequality Has Widened Along Racial, Ethnic Lines Since End of Great Recession*, Pew Research Center (Dec. 12, 2014), <http://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession>.

of poverty and unemployment,⁶⁴ and the over-policing of communities of color, for reasons that include racial and ethnic profiling.⁶⁵ For example, in many jurisdictions Black people disproportionately experience license suspensions for nonpayment of fines and fees, due in part to racial disparities in wealth and poverty.⁶⁶ These racial disparities in license suspension in turn contribute to racial disparities in conviction for driving on a suspended license, making Black people in these states disproportionately vulnerable to the resulting steep financial penalties.⁶⁷ Such racial disparities in the adverse impact of the imposition and enforcement of court fines and fees also contribute to tension between law enforcement and courts on the one hand and the communities of color they serve on the other, as documented in a devastating 2015 report by the U.S. Department of Justice.⁶⁸

The application of fines and fees is not limited to adults in the criminal justice system. Frequently fines and fees are imposed on juveniles and their families in connection with the

⁶⁴ In 2014, the Pew Research Center found that Black and Latino people were, on average, at least twice as likely to be poor than were white people in the United States. *On Views of Race and Inequality, Blacks and Whites Are Worlds Apart*, Pew Research Center (June 27, 2016), <http://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being>.

⁶⁵ Racial and ethnic profiling—the targeting of people of color for police stops, frisks, and searches without reasonable suspicion of criminal activity and based on perceived race or ethnicity—is well documented in jurisdictions across the country. For example, in 2013, a federal court ruled that the New York City Police Department was liable for a pattern and practice of racial and ethnic profiling in police stops of Black and Latino people. *Floyd v. City of New York*, 959 F. Supp. 2d 540, 665 (S.D.N.Y. 2013) (finding the City of New York liable for “targeting young black and Hispanic men for stops based on the alleged criminal conduct of other young black or Hispanic men” in violation of the Fourteenth Amendment Equal Protection Clause). See also *Melendres v. Arpaio*, 989 F. Supp. 2d 822, 899-05 (D. Ariz. 2013) (finding sheriff’s office liable for policies and practices of profiling Latino motorists for police stops). Whether due to racial and ethnic profiling or other factors, well-documented racial disparities in justice-system involvement render communities of color more vulnerable to the adverse impact of the imposition and collection court fines and fees. For example, a 2013 report found that across the United States, Black people are 3.73 times as likely to be arrested for marijuana possession even though marijuana use is roughly equal among Black and white people as documented by the U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration. See American Civil Liberties Union Foundation, *The War on Marijuana in Black and White* 17, 31, 49-50 (2013), <https://www.aclu.org/report/report-war-marijuana-black-and-white> (analyzing 2010 data from the Federal Bureau of Investigation and U.S. Census, and the 2014 National Survey on Drug Use and Health finding that an estimated 15.7% of Black people and 13.7% of white people had used marijuana at some point in the past year).

⁶⁶ Back on the Road California, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California, at 27 (2016) (hereinafter “Stopped, Fined, Arrested”), http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf. See discussion *supra* notes 63-65 (discussing evidence of racial disparities in wealth and poverty in the United States).

⁶⁷ Legal Aid Justice Center, *Driven by Dollars: a State-by-State Analysis of Driver’s License Suspension Laws for Failure to Pay Court Debt* (2017), <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>.

⁶⁸ See U.S. Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department*, at 79-81 (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf (detailing evidence of how municipal court and policing practices related to court fine and fee collection erode community trust in law enforcement).

young person's involvement with the juvenile justice system.⁶⁹ A recent report on Alameda County, California, showed that total fees to families for juvenile involvement added up to approximately \$2000 for an average case.⁷⁰

Bedrock constitutional principles of due process and equal protection of the law apply when courts impose and collect fines and fees. More than thirty years ago, the U.S. Supreme Court ruled in *Bearden v. Georgia*, 461 U.S. 660 (1983), that it is unconstitutional to incarcerate people solely for their inability to pay fines or restitution. For decades, the Court has warned that the justice system must not treat those with money more favorably than those without. Yet these practices endure.

The effect is that poor people are punished because of their poverty, in violation of basic constitutional principles guaranteeing fairness and equal treatment of rich and poor in the justice system. This harms us all. When people are jailed, or their driver's licenses are suspended, because they cannot afford to pay court fines or fees, they face heightened barriers to employment and education, disrupting families and undermining community stability.⁷¹ Similarly, requiring fees to access diversion or treatment programs, such as "drug courts," creates a two-tiered system of justice—one for the rich and one for the poor. These effects detract from public trust in our justice system, including our law enforcement officials and our courts.

Although fines are an appropriate sanction in certain circumstances, these *Guidelines* seek to ensure that no one is subjected to disproportionate sanctions, including incarceration, simply because they do not have the money to pay an otherwise appropriate fine or fee.

An important objective of the *Guidelines* is to eliminate any and all financial incentives in the criminal justice system to impose fines or fees. The justice system serves the entire public and should be entirely and sufficiently funded by general government revenue. The total funding for any given court or court system should not be directly affected by the imposition or collection of fines or fees (as defined for purposes of the *Guidelines*). This core principle was adopted by the National Task Force on Fines, Fees and Bail Practices, established by the Conference of Chief Justices and the Conference of State Court Administrators. In December 2017, the Task Force

⁶⁹ See, e.g., Jessica Feierman, et. al, *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System*, The Juvenile Law Center (2016), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>.

⁷⁰ See Berkely Law Public Advocate Clinic, *High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California* (2016), http://64.166.146.245/docs/2016/BOS/20161025_813/27510_PAC%20High%20Pain%2C%20No%20Gain.pdf.

⁷¹ See, e.g., Alicia Bannon, Mitali Nagrecha & Rebekah Diller, *Criminal Justice Debt: A Barrier to Reentry*, The Brennan Center of Justice at New York University School of Law (2010), <https://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> ("Criminal Justice Debt"), at 5.

issued its “Principles on Fines, Fees, and Bail Practices” (the “National Task Force Principles” or “NTF Principles”),⁷² which were endorsed in 2018 by the Access, Fairness and Public Trust Committee of the Conference of Chief Justices.⁷³ Principle 1.5 of the NTF Principles states, “Courts should be entirely and sufficiently funded from general governmental revenue sources to enable them to fulfill their mandate. Core court functions should generally not be supported by revenues generated from court-ordered fines, fees, or surcharges.”

“Requiring users to pay for judicial services is, in many ways, anathema to public access to the courts.”⁷⁴ All components of the justice system, including courts, prosecutors, public defenders, pre-trial services, and probation, should be sufficiently funded from public revenue sources and not reliant on fees, costs, surcharges, or assessments levied against criminal defendants or people sanctioned for civil infractions. As a Louisiana federal court held in December 2017, where judges in a given jurisdiction are responsible for both (a) “managing fines and fees revenue” that fund court operations, and (b) “determining whether criminal defendants are able to pay those same fines and fees,” such judges face an impermissible “institutional incentive to find that criminal defendants are able to pay fines and fees.”⁷⁵

⁷² The NTF Principles are available at <http://www.ncsc.org/~media/Files/PDF/Topics/Fines%20and%20Fees/Principles-Fines-Fees.ashx>. In connection with the NTF Principles, the National Task Force on Fines, Fees and Bail Practices also published a “Bench Card for Judges” entitled *Lawful Collection of Legal Financial Obligations*, available at http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx.

⁷³ The Access, Fairness and Public Trust Committee officially endorsed the NTF Principles and has “encourage[d] inclusion of the Principles on Fines, Fees and Bail Practices into training for court staff and education for all judicial officers who are authorized by law to make decisions regarding pretrial release, levy fines, assess fees, and order imprisonment for traffic-related offenses, misdemeanors or infractions.” *Resolution 4: In Support of the Principles of the National Task Force on Fines, Fees, and Bail Practices* (Jan. 31, 2018), <http://www.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/01312018-Support-Principles-National-Task-Force-Fines-Fees-Bail.ashx>. The Conference of Chief Justices has also endorsed the NTF Bench Card. *Resolution 3: Encouraging Education on and Use of the Bench Card on Lawful Collection of Court-Imposed Legal Financial Obligations Prepared by the National Task Force on Fines, Fees, and Bail Practices* (Feb. 1, 2017), <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/02012017-Encouraging-Education-Use-Bench-Card-Lawful-Collection.ashx>. The Supreme Court of Missouri has adopted the Bench Card in full and currently requires all state judges to use it. En Banc Order (June 30, 2017), <https://www.courts.mo.gov/sup/index.nsf/9f4cd5a463e4c22386256ac4004a490f/afb7e8d9e2e4ecec186258150000541b4?OpenDocument>.

⁷⁴ Geoffrey McGovern & Michael D. Greenberg, *Who Pays for Justice? Perspectives on State Court System Financing and Governance*, RAND Corporation Institute for Civil Justice (2014) at 10-11.

⁷⁵ Cf. *Cain v. City of New Orleans*, No. 15-4479, 2017 WL 6372836 (E.D. La. Dec. 13, 2017). The NTF Principles echo this position. Principle 1.5 states, “A judge’s decision to impose a legal financial obligation should be unrelated to the use of revenue generated from the imposition of such obligations. Revenue generated from the imposition of a legal financial obligation should not be used for salaries or benefits of judicial branch officials or operations, including judges, prosecutors, defense attorneys, or court staff, nor should such funds be used to evaluate the performance of judges or other court officials.” See also *Tumey v. State of Ohio*, 273 U.S. 510, 532 (1927) (holding that due process was violated where a court’s revenue, and the judge’s salary, depended in part on the imposition and collection of court fines and fees).

The justice system should not be used as a revenue source for government services.⁷⁶ State and local governments should not depend on fines and fees imposed in the justice system for general revenue or to fund particular services inside or outside the criminal justice system.⁷⁷ “When courts are pressured to act, in essence, as collection arms of the state, their traditional independence suffers.”⁷⁸

In addition, a number of ABA policies include guidelines designed to protect the right to counsel and to ensure that the poor do not disproportionately suffer because of their indigence. These existing ABA guidelines apply to the collection and imposition of court fines and fees as well.

The current resolution and *Guidelines* build on ABA policies, the NTF principles, and existing law to create straightforward, coherent, and focused guidelines that can assist courts, administrators, legislators, and advocates seeking to remedy harms presented by the imposition and collection of fines and fees in the justice system. The *Guidelines* are also intended to be readily accessible and useful for members of the public, including non-lawyers. In this way, the *Guidelines* serve the original three goals set out in the Task Force report: (1) to encourage the adoption of best practices; (2) establish consensus around needed reform; and (3) educate the public. The *Guidelines* will thus help in building public trust in the American justice system.

Respectfully submitted,

⁷⁶ *Amer. Bar Ass’n, Standards for Criminal Justice: Sentencing*, Standard 18.2.2 (ii) (“Economic sanctions include fines, monetary awards payable to victims, and mandatory community service. The legislature should not authorize imposition of economic sanctions for the purpose of producing revenue.”). See *Amer. Bar Ass’n Resolution 117A* (2008) (citing ABA resolution #10A (2004), adopting *Report of the American Bar Foundation Commission on State Court Funding* (2004)).

⁷⁷ See *id.* The history behind court-imposed fees and fines—and incarceration for failure to pay—is closely tied to practices that arose during Reconstruction. As Professors Harris, Evans and Beckett have explained, monetary sanctions were commonplace in the South, “where their imposition was the foundation of the convict lease system that existed from emancipation through the 1940s.” *Drawing Blood from Stones*, 15 *Am. J. Sociology* at 1758. “Charged with fees and fines several times their annual earnings, many southern prisoners were leased by justice officials to corporations who paid their legal debt in exchange for inmates’ labor in coal and steel mines as well as on railroads, quarries, and farm plantations. Collected fees and fines were used to pay judges’ and sheriffs’ salaries. Monetary sanctions were thus integral to systems of criminal justice, debt bondage, and racial domination in the American South for decades.” *Id.* (citations omitted). See also Michelle Alexander, *The New Jim Crow* (2012), at 31 (“[During Reconstruction] vagrancy laws and other laws defining activities such as ‘mischief’ and ‘insulting gestures’ as crimes were enforced vigorously against blacks. The aggressive enforcement of these criminal offenses opened up an enormous market for convict leasing, in which prisoners were contracted out as laborers to the highest private bidder. Douglas Blackmon, in [*Slavery by Another Name: The Re-enslavement of Black People in America from the Civil War to World War II* (2008)], describes how tens of thousands of African Americans were arbitrarily arrested during this period, many of them hit with court costs and fines, which had to be worked off in order to secure their release.”).

⁷⁸ *Criminal Justice Debt* at 2. See also *id.* at 30; Katherine Beckett & Alexes Harris, *On cash and conviction: Monetary sanctions as misguided policy*, 10 *Criminology & Public Policy* 505, 511 (2011) (“*On cash and conviction*”) (“[I]f the state compels penal targets to use (often expensive and ineffective) state ‘services,’ then the government is obligated to pay for them. Indeed, this fiscal obligation is an important check on government power.”).

Robert N. Weiner, Chair
Working Group on Building Public Trust in the American Justice System
Section on Civil Rights and Social Justice
August 2018

GENERAL INFORMATION FORM

Submitting Entity: Working Group on Building Public Trust in the American Justice System

Submitted By: Robert Weiner, Chair

1. Summary of Resolution(s). This resolution urges federal, state, local, territorial, and tribal legislative, judicial and other government bodies to promulgate law and policy consistent with and otherwise adhere to, the proposed guidelines for the imposition and collection of court fines and fees.
2. Approval by Submitting Entity. This resolution was passed by the Working Group on Building Public Trust in the American Justice System on May 2, 2018. Co-sponsorship approved by the Standing Committee on Legal Aid and Indigent Defendants on April 8, 2018, by the Criminal Justice Section on April 8, 2018, by the Section on Civil Rights and Social Justice on April 20, 2018, by the Section of State and Local Government Law on April 22, 2018, by the Massachusetts Bar Association on .and by the King County Bar Association on May 7, 2018.
3. Has this or a similar resolution been submitted to the House or Board previously?
No.
4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

- ABA Resolution 110 (2004 AM), adopting *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*
- ABA Resolution 107 (2004 AM), adopting *Report of the American Bar Foundation Commission on State Court Funding* (2004)
- ABA Resolution 102C (2010 MY)
- ABA Resolution 302 (2011 MY)
- ABA Resolution 111B (2016 AM)
- ABA Resolution 112C (2017 MY)
- ABA Resolution 114 (MY 2018)
- *ABA Standards for Criminal Justice: Sentencing*, Standards 18.2.2 (ii), 18.3.16 (d) & 18.3.22(e)
- *ABA Basic Principles for a Right to Counsel in Civil Legal Proceedings* (2010)
- *ABA Standards for Criminal Justice: Providing Defense Services* 5-5.1 & 5-5.2 (1992)

None of these policies would be affected by the adoption of this resolution.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?
N/A

6. Status of Legislation. (If applicable)

N/A

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

This policy will enable the ABA and relevant ABA committees to provide guidance to courts, legislatures, and advocates on the ground working to expose and end practices leading to modern-day debtors' prisons, through *amici curiae* in appropriate cases, for example.

8. Cost to the Association. (Both direct and indirect costs)

None.

9. Disclosure of Interest. (If applicable)

N/A

10. Referrals.

At the same time this policy resolution is submitted to the ABA Policy Office for inclusion in the 2018 Annual Agenda Book for the House of Delegates, it is being circulated to the chairs and staff directors of the following ABA entities:

Judicial Division

Section of State and Local Government Law

Government and Public Sector Lawyers Division

Litigation

Young Lawyer's Division

Section on Civil Rights and Social Justice

Law Practice Division

Litigation Section

Solo, Small Firm and General Practice Division

Ethics and Professional Responsibility

Commission on Veteran's Legal Services

Standing Committee on Public Education

Commission on Disability Rights

Commission on Hispanic Legal Rights & Responsibilities

Commission on Homelessness and Poverty

Center for Human Rights

Commission on Immigration

Coalition on Racial & Ethnic Justice

Commission on Youth at Risk

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Robert Weiner

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12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

[TBD]

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges federal, state, local, territorial, and tribal legislative, judicial and other government bodies to promulgate law and policy consistent with, and otherwise to adhere to, the proposed *Ten Guidelines on Court Fines and Fees*.

2. Summary of the Issue that the Resolution Addresses

This resolution is intended to principally 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.

3. Please Explain How the Proposed Policy Position will Address the Issue

A policy position from the ABA will provide much needed leadership and guidance to federal, state, local, territorial, and tribal legislative, judicial and other government bodies, and to advocates before those bodies, on how to lawfully impose and enforce court fines and fees and how to address ongoing constitutional violations.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None known.

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors
FROM: Kim Risenmay, Treasurer
DATE: May 2, 2018
RE: Budget and Audit Committee recommendations re Agenda Items 5.I.1, 5.I.2, and 5.I.3

First Reading: Consider Budget and Audit Committee recommendations re: (1) CLE Revenue Sharing Model; (2) MCLE Fee Structure; and (3) Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) license fees and Client Protection Fund (CPF) assessment.

The Budget and Audit Committee met on April 26, 2018, and make the following recommendations:

- **Agenda Item 5.I.1:** That the Board of Governors approve proposed revisions to Chapter 10 of the Fiscal Policies and Procedures Manual regarding WSBA CLE and programs presented in partnership with WSBA sections, as set forth in Attachment 1;
- **Agenda Item 5.I.2:** That the Board of Governors approve the MCLE Board's proposed changes to the MCLE Sponsor Fee Structure, and the LLLT/LPO certification fee structure, as set forth in Attachment 2; and
- **Agenda item 5.I.3:** That 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 CPF assessment fee annually, and (4) not require active LPOs to pay any CPF fee, as set forth in Attachment 3.

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 programming 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 contains two cost centers, WSBA CLE and WSBA Deskbooks. 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 Reserve Fund, which has a balance of \$471,073, should allow WSBA sufficient time to determine how to support or bring efficiencies to the production of WSBA Deskbooks.

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.g., 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:

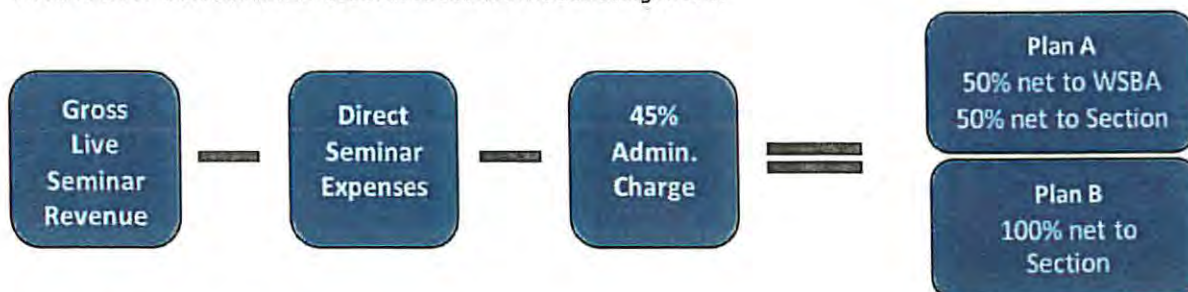
- 35% decrease in live seminar attendance
- 14% increase in on-demand seminar sales
- 41% decrease in live registration revenue
- 42% decrease in overall revenue splits to Sections

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 Chapter 10, WSBA Fiscal Policies and Procedures Manual

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.

WASHINGTON STATE BAR ASSOCIATION

TO: Budget and Audit Committee
FROM: Melissa Skelton, MCLE Board Chair
Adelaine Shay, WSBA MCLE Manager
DATE: April 20, 2018
RE: MCLE Fee Structure - ACTION

ACTION: The MCLE Board requests that the Budget and Audit Committee review and recommend to the Board of Governors the proposed changes to the MCLE Sponsor fee structure and the Limited License Legal Technician (LLLT)/Limited Practice Officer (LPO) certification late fee structure.

BACKGROUND

Pursuant to Washington Supreme Court Admission and Practice Rule 11(d)(2)(v), "[t]he MCLE Board shall determine and adjust fees for the failure to comply with these rules and to defray the reasonably necessary costs of administering these rules. Fees shall be approved by the Board of Governors." MCLE course application fees for sponsors have not changed since 2003, and the current Accredited Sponsor fees were implemented in 2016. The MCLE Board approved new fees for sponsors on August 18, 2017 and approved new late certification fees for LLLTs and LPOs on January 12, 2018, and now seeks approval of these fees by the WSBA Board of Governors. The proposed fee structure increases rates and provides for an equitable assessment of fees for all license types.

PROPOSED CHANGES TO MCLE FEES – FISCAL YEAR 2019 (SEE CHART BELOW)

In order to help ensure that the MCLE program remains self-sustaining, including technology costs, the MCLE Board recommends increasing certain fees as listed below beginning fiscal year 2019, i.e., effective October 1, 2018. The proposed changes would apply to all MCLE sponsors and would make fees consistent for all WSBA legal license types: lawyers, LPOs, and LLLTs.

One adjustment made by the MCLE Board is to change the fee structure for accredited sponsors. "Accredited sponsors" are sponsors that have a proven track record of offering quality courses and a demonstrated understanding of Washington's course accreditation rules; they have the same duties as all other sponsors, but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with Admission and Practice Rule 11. Accredited sponsors pay an annual flat fee for all course applications submitted, in lieu of paying an application fee for each individual course. The proposed changes would increase course application and attendance late fees for all sponsors other than accredited sponsors,

and would increase the annual accredited sponsor fees for organizations that provide over fifty MCLE courses a year. However, as an added benefit for all sponsors, and to offset these increases, the proposed changes also would also remove the \$1 per person attendance fee that is currently charged.

In this proposal, WSBA accredited sponsors will continue to receive the benefit of paying a deeply discounted yearly fee in lieu of paying an activity fee for each individual CLE activity, and will continue to accredit their own courses. For all other sponsors, the proposed course application fee for individual courses will increase to \$100 per course. Based on these fees, at the lowest activity fee range accredited sponsors would benefit from an annual discount of up to \$4,500 a year, and at the highest activity range accredited sponsors would receive a minimum annual discount of \$94,000.

Following the MCLE Board's decision, MCLE staff contacted all accredited sponsors for feedback about the proposed increase in accredited sponsor fees. We received one letter in response, from the King County Bar Association, which is in favor of the proposed accredited sponsor fees as long as the current attendance reporting fee is eliminated (which is reflected in the MCLE Board's plan). Please see the attached letter.

Please note that no changes to MCLE fees are proposed for individual lawyers.

LPOs and LLLTs are now required to earn and certify credits on a three-year cycle, which is the same time frame for lawyers, as opposed to the annual cycle that applied to LPOs and LLLTs previously. Changes are proposed regarding LLLT and LPO late certification fees to also bring those into line with the late certification fees that apply to lawyers.

Proposed Fee Changes For CLE Sponsors		
Course Application and Late Fees for CLE Sponsors	Current Fees	Proposed Changes
Course Application	\$ 50 / course	\$ 100 / course
Course Application Late Fee	\$ 35 / course	\$50 / course
Attendance Reporting Fee for Lawyers	\$ 1 / person	\$0 / person
Attendance Reporting Fee for LLLT and LPOs	\$0 / person	\$0 / person
Attendance Late Fee	\$35 / submission	\$50 / submission

Proposed Fee Changes For Accredited Sponsor Annual Fees <i>Accredited sponsors have the same duties as sponsors but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with Washington Supreme Court Admission and Practice Rule 11. Accredited sponsors pay an annual flat fee for all course applications submitted in lieu of an application fee for each individual course.</i>		
Number of annual courses	Current Fees	Proposed Changes
0-50 courses	\$ 500	\$ 500
51-100 courses	\$ 1,000	\$ 1,500
101-250 courses	\$ 1,500	\$ 2,250
251-500 courses	\$ 2,000	\$ 3,000
501-1000 courses	\$ 2,500	\$ 4,500
1001 + courses	\$ 3,000	\$ 6,000

Proposed Fee Change For Late Certification By Licensed Legal Professionals		
Certification Late Fees	Current Fees	Proposed Changes
Lawyer Certification Late Fee	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.	No change
LLLT and LPO Certification Late Fee	\$ 50	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.

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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- 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



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



Kim Risenmay, Treasurer, and Budget and Audit Committee

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: Board of Governors
FROM: Doug Ende, Chief Disciplinary Counsel
Paula Littlewood, Executive Director
DATE: May 10, 2018
RE: Entity Regulation

GENERATIVE DISCUSSION: Entity Regulation

“Entity regulation” is a term used to describe an approach to the regulation of the practice of law where the regulatory framework applies to organizational entities, not just to individually licensed legal professionals. Regulation of entities providing legal services is an established approach in a number of jurisdictions internationally, including Australia, England and Wales, and some Canadian provinces.

Attached is a 2016 FAQ published by the National Organization of Bar Counsel (NOBC) that provides background on the history and implementation of entity regulation, as well as a 2017 FAQ published by NOBC that provides information on the related concept of proactive regulation, sometimes referred to as Proactive Management Based Regulation or PMBR.

We look forward to continuing our discussion from November regarding these ideas with the Board of Governors.



Entity Regulation

Frequently Asked Questions

What is Entity Regulation?

“Entity regulation,” “entity-based regulation,” and “law firm regulation” are terms used to describe programs that regulate law firms as well as the lawyers and perhaps the non-lawyers who work at a law firm.

Are there various forms of Entity Regulation?

No. You either regulate entities or you don’t. If you only regulate part of an entity then it is not entity regulation. However, entity regulation can be applied to a sub-set of entities. For example, in every State and Territory in Australia, entity regulation historically only applied to incorporated legal practices. Today in some jurisdictions (in New South Wales and Victoria, which are the two most populous jurisdictions in Australia) entity regulation applies to all legal practices.

Are there variations in the manner in which jurisdictions use Entity Regulation?

There are, however, various ways in which entities may be regulated. Some jurisdictions that regulate law-practice entities may choose to use “proactive management based regulation” (defined below), as Australia has done; others may use frameworks that are neither particularly proactive nor focused on management. Some may require firms to evidence their compliance with entity regulation (discussed below); others may not. Others, such as New York and New Jersey, are simply authorized to discipline law firms as well as individual lawyers.

What is “proactive management based regulation”?

The term “proactive management based regulation” (PMBR), coined by Professor Ted Schneyer, refers to programs designed to promote ethical law practice by assisting lawyers with proactive management. These programs generally have three features. First, they emphasize proactive initiatives as a complement to traditional, professional discipline. Second, they tend to focus on the responsibility of law firm management to implement policies, programs, and systems – in short, an “ethical infrastructure” -- that is designed to prevent misconduct and unsatisfactory service. Third, they strive to improve legal services and reduce problems by establishing information-sharing and collaborative relationships between regulators and service providers.

According to Professor Schneyer, the framework pioneered in NSW, Australia, is a prototype for PMBR because it gives content to the term “ethical infrastructure.” It does so by “identifying ten types of recurring problems that infrastructure should be designed to prevent and mitigate.”¹

¹ Ted Schneyer, On Further Reflection: How “Professional Self-Regulation” Should Promote Compliance with Broad Ethical Duties of Law Firm Management, 53 Ariz. L. Rev. 577, 585 (2011).

PMBR departs from the traditional regulatory approach, which is chiefly reactive: conduct rules and standards are prescribed and lawyers are subject to discipline if their conduct fails to meet those prescribed norms. PMBR, in contrast, emphasizes efforts to be more proactive, such as by requiring continuing legal education, bridge-the-gap tutorials for new lawyers and self-assessments. PMBR emphasizes a greater dialogue between the regulator and the regulated, including the identification of risks, and programs to reduce such risks. (It is also consistent with the approach taken by malpractice carriers who have found it cost effective to focus on preventative efforts, rather than simply paying for mistakes after they happen.)

A law firm's ethical infrastructure can include a variety of measures. As Dr. Christine Parker explains, ethical infrastructure:

might include the appointment of an ethics partner and/or ethics committee; written policies on ethical conduct in general and conduct in specific areas such as conflicts of interest, billing, trust accounting, opinion letters, litigation tactics and so on; specified procedures for ensuring [that] ethical policies are not breached; [as well as] encourag[ing] the raising of ethical problems with colleagues and management; . . . monitoring . . . lawyer compliance with policies and procedures; and [providing] ethics education, training and discussion within the firm.

Many law firms *have some* elements of the ethical infrastructure Parker describes. For example, research indicates that most U.S. law firms have formal procedures for identifying conflicts of interest and periodically monitoring for compliance with those procedures.

Rather than reacting only after a complaint is filed, regulators in a PMBR regime would likely encourage and help firm leaders to detect and avoid problems in advance by focusing on management systems and processes designed to ensure ethical conduct. Importantly, however, PMBR generally allows firms to develop *their own* processes and management systems and engage in internal planning to achieve regulatory goals.

The regulatory goals of PMBR are typically drafted at a broad level of generality so they can be applied flexibly, in a manner appropriate to each firm's size and practice. Goals are stated in qualitative rather than quantitative terms.

Which jurisdictions presently use some form of Entity Regulation?

Australia, Canada, England & Wales and Singapore presently use some form of entity regulation. For example, British Columbia and Nova Scotia are now authorized to regulate law firms as well as individual lawyers. Other provinces are aware of these developments.²

² See Nova Scotia Legal Profession Act SNS 2004, c 28, s 45(5). (authorizes findings of professional misconduct against law firms); The Legal Profession Act of British Columbia was amended in many sections to reference law firms in addition to lawyers pursuant to the Legal Profession Act, 2012 SBC 2012, c.16. [See also Allan Fineblit, QC, "Regulating Firms" Communique (August 2012) at 3, online: The Law Society of Manitoba <<http://www.lawsociety.mb.ca/publications/communique>

Canada has also recently taken steps towards a PMBR-type of entity regulation with the development of a management tool to embed ethical practice within firms.³ In 2012, the Canadian Bar Association (CBA) began a project to develop a tool that encourages law firms to implement more effective ethical infrastructure.” After considerable research and evaluation of existing regulatory programs, the CBA developed “The Ethical Practices Self-evaluation Tool.”⁴ The Tool is not mandatory and is therefore unenforceable, but it is suggested for adoption as best practice.

Although PMBR is currently optional in Canada, it might soon become mandatory in at least one province⁵. In October 2013, Nova Scotia’s regulatory body approved an initiative to develop within 2.5 years, the requirement that all legal entities have a ‘management system for ethical legal practice’ (MSELP), a proactive, risk-focused, and principles-based regulatory regime. Nova Scotia is now in the midst of implementing that regime. Its work has lead it to propose that entity regulation should occur within a broader framework of legal services regulation⁶.

In November 2015, the Nova Scotia Barristers’ Society distributed for comment a draft self-assessment tool to advance the MSELP requirement. It would, in various forms, be used by all legal entities to review and improve their management systems.⁷ Consultations have been completed with recommendations being made to the Society’s Council in the spring of 2016.

In England and Wales, the *Legal Services Act of 2007* requires all “alternative business structures” (ABSs) to be regulated as entities. (ABSs are law-practice entities that may be owned in whole or in part by non-lawyers). In 2011, in response to calls for a level playing field, the Solicitors Regulation Authority (SRA) extended entity regulation to encompass traditional law firms as well. Under these rules, all lawyers holding practice certificates must work in regulated entities (i.e., either traditional law firms, referred to as “recognised bodies”⁸, or ABSs, referred to

2012/LSM%20-%20August%202012.pdf/view>, stating “You likely have never given it much thought, but those of us who do regulation for a living sometimes wonder why we regulate lawyers and not law firms.”; Adam M Dodek, “Regulating Law Firms in Canada” (2012) 90:2 Canadian Bar Rev 383.

³ See The Canadian Bar Association, The Ethical Practices Self-evaluation Tool, <http://www.cba.org/CBA/activities/code/ethical.aspx> ; A. Salyzyn, Regulating Law Practice as Entities: Is the Whole Greater than the Sum of Its Parts?, November 29, 2013, <http://www.slaw.ca/2013/11/29/regulating-law-practices-as-entities-is-the-whole-greater-than-the-sum-of-its-parts/> ; A.Salyzyn, What if We Didn’t Wait? Promoting Ethical Infrastructure in Canadian Law Firms, July 25, 2013, <http://www.slaw.ca/2013/07/25/whatif-we-didnt-wait-promoting-ethical-infrastructure-in-canadian-law-firms/>

⁴ The Canadian Bar Association, The Ethical Practices Self-evaluation Tool, <http://www.cba.org/CBA/activities/code/ethical.aspx>

⁵ Nova Scotia’s model of proactive regulation extends to both its oversight of legal entities (their management practices) and how it carries out all regulatory activities in accordance with the approved Regulatory Objectives. See <http://nsbs.org/nsbs-regulatory-objectives>

⁶ See <http://nsbs.org/legal-services-regulation-policy-framework>

⁷ See Nova Scotia Barristers’ Society, A Management System for Ethical Legal Practice (Nov. 10, 2015), <http://nsbs.org/draft-self-assessment-process-legal-entities> (includes links to the draft self-assessment tools) f; see generally NSBS, Legal Services Regulation Page, <http://nsbs.org/legal-services-regulation> <http://nsbs.org/transform-regulation> (main portal for the Nova Scotia reforms); Nova Scotia Barristers’ Society, Framework for legal services regulation Webpage, <http://nsbs.org/framework-legal-services-regulation> (main portal for changes designed to accomplish Triple P regulation); and ..

⁸ Forms of recognized body include ‘recognised sole practitioners’.

as “licensed bodies”). Practice entities are subject to initial approval, which includes approval of all of the owner/managers and the appointment of compliance officers for both legal practice and finance and administration. Entity approval is one-off but entities are required to report on rule breaches; maintain appropriate systems; provide indemnity insurance cover appropriate for the work they do; and, act as a mechanism of communication with individual solicitors. Entities can be subject to fines and other disciplinary measures, interventions and winding up orders. Individual solicitors remain subject to the traditional requirements of initial approval, ongoing regulation and disciplinary sanctions.⁹

Entity regulation was also introduced in England and Wales for barristers from March 2015.¹⁰ Previously the Bar Standards Board (BSB) only regulated individual barristers, whether self-employed or in-house. As at 30 June 2015, around 20 BSB regulated entities had been approved. At this stage entity regulation for barristers in England & Wales is optional.¹¹ For the moment the BSB will limit itself to regulating entities owned and managed by barristers and other legal professionals. It will also focus primarily on entities specializing in advocacy, litigation, and specialist legal advice.

In Singapore, the Legal Profession Act was amended in 2014¹² to modernize and streamline the regulatory framework for the legal profession in Singapore. The reforms were undertaken largely in response to recommendations by a high level committee of stakeholders in the legal industry in Singapore, including both local and foreign legal practitioners based in Singapore.¹³ The reforms have resulted in an integrated licensing framework for all law practices in Singapore that draws together previously disparate functions (including the registration of foreign lawyers in Singapore) performed by separate bodies.

How do these jurisdictions use Entity Regulation?

(a) Who oversees entity regulation?

In New South Wales and Victoria in Australia entities are co-regulated by the professional association (e.g., The Law Society of New South Wales) and the legal services regulator (e.g., The Office of the Legal Services Commissioner (OLSC)). The Law Society is responsible for “registering law firms as entities” and the OLSC is responsible for regulating their conduct. The legal services regulator was created by the legislature. The Legal Services Commissioner reports to the State Attorney General.

⁹ See Solicitors Regulation Authority, Firm Based Authorization <http://www.sra.org.uk/solicitors/firm-based-authorisation.page>.

¹⁰ See Bar Standards Board, For prospective entities, <https://www.barstandardsboard.org.uk/regulatory-requirements/for-prospective-entities/>.

¹¹ Ibid.

¹² The Legal Profession Act and its accompanying subsidiary legislation can be accessed at: <https://www.mlaw.gov.sg/content/minlaw/en/legal-industry/relevant-legislation-and-notices.html>.

¹³ The Committee to Review the Regulatory Framework of the Singapore Legal Services issued its Final Report in January 2014. The Final Report can be accessed at: <https://www.mlaw.gov.sg/content/dam/minlaw/corp/News/Final%20Report%20of%20the%20Committee%20to%20Review%20the%20Reg%20Framework%20of%20the%20Spore%20Legal%20Sector.pdf>.

Unlike the U.S., England and Wales have long had several legal professions. This complicates the allocation of authority to regulate law-practice entities. The oversight regulator for legal services in England and Wales, the Legal Services Board (LSB) approves regulatory regimes for alternative business structures proposed by the ‘front line regulators’ for different legal professions. The LSB has now authorized a number of regulators to regulate licensed bodies (ABS) operating in various legal areas, including the SRA, the Council for Licensed Conveyancers, the Chartered Institute of Legal Executives etc. It is important to note that there is an explicit difference between the entity authorization granted to a law firm by the SRA – which covers any area in which a solicitor may practice, and the authorization of an alternative business structure which is based on identified areas of practice set down in the license application. Although there is therefore a choice of regulatory regime open to different types of entities operating in the legal sector, this choice will be dictated by their area of practice. A traditional law firm, wanting to practice all areas of law will remain under the regulatory oversight of the SRA.

The Bar Standards Board (BSB) regulates entities owned and managed by barristers and other lawyers. For the time being, the BSB will not be licensing bodies that have non-lawyer owners or managers (ABSs). But the BSB hopes to regulate ABSs in the future, after filing a separate application to the LSB.

The Singapore Legal Profession Act creates the statutory office of the Director of Legal Services. The Director of Legal Services is supported by a new department in the Ministry of Law, known as the Legal Services Regulatory Authority (LSRA)¹⁴. Through the LSRA, the Director of Legal Services oversees and regulates local and foreign law practice entities that operate in Singapore, including the licensing of law licensing of law businesses and the regulation of business criteria.

(b) What specifically is regulated?

In Australia the conduct of law-practice entities has been regulated for over a decade. Entities are required, inter alia, to implement and maintain “appropriate management systems” to meet ten management objectives.¹⁵ The ten management objectives concern:

1. Negligence (providing for competent work practices).
2. Communication (providing for effective, timely and courteous communication).
3. Delay (providing for timely review, delivery, and follow up of legal services).
4. Liens/file transfers (providing for timely resolution of document/file transfers).
5. Cost disclosure/billing practices/termination of retainer (ensuring a shared

¹⁴ The Legal Services Regulatory Authority’s (LSRA) website can be accessed at:
<http://www.minlaw.gov.sg/content/minlaw/en/our-work/legal-services-regulatory-authority.html>.

¹⁵ Office of the Legal Services Commissioner, Incorporated Legal Practices,
http://www.olsc.nsw.gov.au/olsc/lsc_incorp.html#c=y

understanding of retainer terms, appropriate documentation of the commencement and termination of retainers, and appropriate billing practices).

6. Conflict of interests (providing for timely identification and resolution of conflicts, including when acting for multiple parties in a matter or proceeding against previous clients; anticipating potential conflicts arising from relationships with third parties).
7. Records management (maintaining appropriate filing, archiving and document-retention policies to minimize the risk of loss or destruction of correspondence and documents; ensuring that legal requirements for protecting client files, property, and financial interests are met).
8. Undertakings (monitoring for timely compliance with notices, orders, rulings, directions, or other requirements of regulatory authorities such as the OLSC, courts, and cost assessors).
9. Supervision of practice and staff (providing for compliance with statutory conditions concerning licensing, practice certification, employment of persons; providing proper quality standards for work outputs and the job performance of legal, paralegal, and non-legal staff involved in the delivery of legal services).
10. Trust account requirements (providing for compliance with statutory trust account procedures and using proper accounting principles).¹⁶

The OLSC requires compliance with these objectives.

In England and Wales, law firms are required to comply with a range of duties set out in the SRA's Handbook. The Handbook identifies duties that apply to firms as well as solicitors and other individuals regulated by the SRA. It establishes a comprehensive ethical framework for law practice, including rules governing authorization, practice, management of accounts, indemnity insurance, training, etc. It also contains SRA Principles and the SRA Code of Conduct.¹⁷ Although the Code applies to all authorized individuals and entities, some chapters are more clearly relevant to entities. Chapters 7-9, for example, govern issues relating to management of the legal business, publicity, and referrals. Each chapter of the Code identifies "outcomes" that are mandatory, as well as "indicative behaviors," which are intended as guidance on how outcomes might be achieved, but are not mandatory.

Among the key required 'outcomes' for entities are the following:

- O(7.1):** you have a clear and effective governance structure and reporting lines;
- O(7.2)** you have effective systems and controls in place to achieve and comply with all the *Principles*, rules and outcomes and other requirements of the Handbook, where applicable;

¹⁶ Summary of the ten objectives. Office of the Legal Services Commissioner, Appropriate Management Systems to Achieve Compliance,

http://www.olsc.nsw.gov.au/olsc/lsc_incorp/olsc_appropriate_management_systems.html

¹⁷ Solicitors Regulation Authority, SRA Handbook Welcome, <http://www.sra.org.uk/solicitors/handbook/welcome.page>

- O(7.3)** you identify, monitor and manage risks to compliance with all the *Principles*, rules, outcomes, and other Handbook requirements (if applicable to you) and you take steps to address issues identified;
- O(7.4)** you maintain systems and controls for monitoring the financial stability of your *firm* and risks to money and *assets* entrusted to you by *clients* and others, and you take steps to address issues identified;
- O(7.5)** you comply with legislation applicable to your business, including anti-money-laundering and data protection legislation;
- O(7.6)** you train individuals working in the *firm* to maintain a level of competence appropriate to their work and level of responsibility;
- O(7.7)** you comply with the statutory requirements for the direction and supervision of *reserved legal activities* and *immigration work*;
- O(7.8)** you have a system for supervising *clients'* matters, to include regular checking the quality of work by suitably competent and experienced people;
- O(7.9)** you do not outsource *reserved legal activities* to a *person* who is not authorised to conduct such activities.¹⁸

Entities are expected to have a risk management system in place but the rules do not prescribe what this should be. They are also required to report material breaches of any mandatory outcomes.

In Nova Scotia the proposed framework for entity regulation, as noted above, envisages that all law firms will be required to implement and maintain an ethical infrastructure called a “Management System for Ethical Legal Practice”. That proposed infrastructure includes the following “elements”:

1. Developing competent practices;
2. Communicating in a manner which is effective, timely and civil;
3. Ensuring that confidentiality requirements are met;
4. Avoiding conflicts of interest;
5. Maintaining appropriate file and records management systems;
6. Managing the law firm/legal entity and staff appropriately;
7. Charging appropriate fees and making appropriate disbursements;
8. Ensuring that reliable trust account practices are in use;
9. Sustaining effective and respectful relationships with clients, colleagues, courts, regulators and the community; and
10. Working to improve the administration of justice and access to legal services.¹⁹

Like the NSW and England & Wales’ entity regulation models, Nova Scotia’s model envisages firms and entities appointing a lawyer-manager to be responsible for reporting on compliance with their management systems. The consultation process may lead to some fine-tuning of the originally proposed elements.

In respect of entity regulation in Singapore, the Director of Legal Services through the LSRA:

¹⁸ Summary of the outcomes. Solicitors Regulation Authority, SRA Code of Conduct 2011, <http://www.sra.org.uk/solicitors/handbook/code/content.page>

¹⁹ Nova Scotia Barristers’ Society, Management Systems for Ethical Legal Practice (MSELP), <http://nsbs.org/management-systems-ethical-legal-practice-mselp>.

1. Licenses law practices in Singapore (including Singapore law practices, foreign law practices, Qualifying Foreign Law Practices, Joint Law Ventures and Formal Alliances²⁰); and
2. Regulates the business criteria applicable to law practices. This includes approvals for the naming of law practices, foreign ownership of Singapore law practices, non-lawyer ownership of law practices and other criteria applicable to business collaborations between local and foreign law practices in Singapore.

Under LSRA's integrated licensing regime, law practices in Singapore submit applications to the LSRA through a newly developed IT portal, the LSRA e-Services portal²¹.

Who is responsible for implementing entity regulation?

In New South Wales (and Victoria) the responsibility for establishing and implementing "appropriate management systems" rests with a person nominated by each firm to serve as a "principal". Each principal of a law practice is responsible for ensuring that reasonable steps are taken to ensure that (a) all legal practitioner associates of the law practice comply with their obligations under the legislation and rules and their other professional obligations; and that the legal services provided by the law practice are provided in accordance with the legislation. A failure to uphold that responsibility can constitute unsatisfactory professional misconduct.²²

In England & Wales, the *Legal Services Act of 2007* requires that a Head of Legal Practice (HOLP) and Head of Finance and Administration (HOFA) be appointed in each ABS. The SRA decided that all practices, including those that are not ABSs, must appoint someone to these positions. The SRA calls these appointees Compliance Officers for Legal Practice (COLP) and Compliance Officers for Finance and Administration (COFA), respectively. The SRA's Authorization Rules for Legal Services Bodies and Licensable Bodies identifies the eligibility requirements for these roles.²³ A designated COLP or COFA must be an individual and a firm manager (e.g., a partner) or employee must consent to their designation; must have sufficient seniority and responsibility to fulfil their role; and must not be disqualified from being a Head of Legal Practice or Head of Finance and Administration.

COLPs are responsible for identifying and limiting ethical risks and fostering compliance at their firm, and also serve as the SRA's point of contact at the firm. More specifically, a COLP is responsible for ensuring that the firm complies with statutory duties set out in the SRA's Handbook, for recording any failure(s) to comply, and for informing the SRA of such

²⁰ Further information on each type of license or registration can be found at the Ministry of Law's website: <https://www.mlaw.gov.sg/content/minlaw/en/legal-industry/licensing-or-registration-of-law-practice-entities0/types-of-license-or-registration.html>.

²¹ The LSRA e-Services portal can be accessed at: <https://www.mlaw.gov.sg/eservices/lra/lra-home/>.

²² Section 34 *Legal Profession Uniform Law 2015 (NSW)*.

²³ See Solicitors Regulation Authority, COLPs and COFAs, <http://www.sra.org.uk/solicitors/colp-cofa.page>

noncompliance. A COLP must also report material failures to the SRA as soon as reasonably practical.²⁴

COFAs are responsible for their firm's overall financial management. They must take steps to ensure that the firm, including its employees and managers, complies with duties imposed under the SRA Accounts Rules. They must keep a record of any failure to comply and make the record available to the SRA.²⁵ Like COLPs they must report material failures to the SRA as soon as reasonably practical.

COLPs and COFAs must be "fit and proper" to undertake their role/s.²⁶ Fitness is assessed by criteria identified in the SRA Suitability Test (2011) and in light of any relevant information. The assessment is made upon initial SRA approval. If a COLP or COFA is assessed as unfit, the SRA may withdraw the initial approval. Although the COLP is the SRA's principal point of contact in a firm, he or she is not intended to have *sole* responsibility for firm compliance. The entire management, and to some extent all regulated individuals, may be held responsible for a firm's misconduct.

This regime is supplemented by a risk framework that has identified the firms which are likely to pose the greatest risk to the SRA's regulatory objectives. These firms are subject to "regulatory management" which involves the designation of an SRA staff member to monitor them, provide advice, supervise, and if necessary oversee interventions and closure of law firms. Law firms that are not regarded as 'risky' are subject to 'thematic supervision', which allows the regulator to alert them through regular risk bulletins to issues of concern (e.g. new money laundering risks).

The forthcoming regime for entity regulation of barristers in England & Wales will be similar to the regime for solicitors. That is, every entity regulated by the BSB must also have a Head of Legal Practice (HOLP) and Head of Finance & Administration (HOFA). In a single-person practice, of course, the same individual can fill both roles.

In Singapore, the Director of Legal Services is responsible for implementing entity regulation. The Legal Services Regulatory Authority is the vehicle established for implementation.

Exclusive? Or parallel to individual license regulation?

Entity regulation supplements but does not replace the traditional model of individual lawyer regulation. Both lawyers and entities must adhere to the code of conduct and are subject to discipline.

Entity discipline in Nova Scotia and British Columbia also runs parallel to lawyer discipline – both law firms and lawyers can be disciplined. In Canada, the CBA's Self-Assessment Tool,

²⁴ See Solicitors Regulation Authority, Responsibilities of COLPs and COFAs, <http://www.sra.org.uk/solicitors/colp-cofa/responsibilities-record-report.page>

²⁵ Ibid.

²⁶ See Solicitors Regulation Authority, What is a COLP and a COFA, <http://www.sra.org.uk/solicitors/colp-cofa/ethos-roles.page>

which as stated above is not mandatory or enforceable, is designed to parallel individual lawyer regulation.

The registration and regulation of Singapore lawyers on an individual basis is administered by the Supreme Court of Singapore, with the Law Society of Singapore. Foreign lawyers are registered by the Director of Legal Services, however, matters pertaining to their professional conduct and discipline fall under the same regime as Singapore lawyers.

Is there annual registration?

There is no annual registration in Australia.

In England and Wales, lawyers must renew their licenses annually. Entities are only required to have initial authorization but they must nonetheless submit certain details on an annual or more frequent basis (e.g. insurance details, diversity statistics etc.). New entities established under the SRA's regulatory umbrella must become either recognized bodies (traditional law firms) or licensed bodies (ABSs) through an "authorization" process. Authorization is necessary before commencing a practice and any changes in the composition of a recognized body's management or in the nature of a licensed body's business are also subject to prior approval.²⁷

In Singapore, all law practices offering legal services and joint ventures or alliances between a Singapore law practice and a foreign law practice must be licensed. Obtaining a license is generally a one-off application process, except for foreign law practices awarded licenses under the Qualifying Foreign Law Practices ("QFLP") scheme²⁸, which are issued term licenses, renewable every five years. For lawyers, the validity period of registration of a foreign lawyer could range from 12 to 36 months depending on the registration category, and such foreign lawyers are required to renew their certificates of registration with the LSRA. For Singapore lawyers practicing Singapore law, their practicing certificates are renewable with the Singapore Supreme Court on an annual basis.

Funding sources, fiscal impact?

Information about funding sources and the fiscal impact of entity regulation can be obtained by contacting individual regulators.

Which jurisdictions are in the process of establishing entity regulation (i.e. more than just considering it as a regulatory option)?

British Columbia: When the Legal Profession Act was amended in 2012, the Law Society was authorized to regulate "law firms" in addition to its authority to regulate lawyers. Once British Columbia's entity regulation regime is implemented, it will run in parallel to lawyer regulation. "Law firm" is defined as "a legal entity or combination of legal entities carrying on the practice of law." The Law Firm Regulation Task Force has been created and ordered to recommend a framework for the regulation of law firms.

Ontario: The Law Society of Upper Canada (Ontario) has some authority to regulate firms but has not exercised this authority and does not actively regulate firms. Additional legislative authority would be required to implement entity regulation more broadly. A Task Force on Compliance-Based Entity Regulation was established in June 2015 to study and make recommendations on options for professional regulation that focus on objectives for entities, or

²⁷ The Law Society of England and Wales, Setting up a Practice: Regulatory Requirements, <https://www.lawsociety.org.uk/support-services/advice/practice-notes/setting-up-a-practice-regulatory-requirements/>

²⁸ The QFLP license allows a foreign law practice to practice in permitted areas of Singapore law, in addition to offering foreign law services.

organizations, through which lawyers and paralegals provide legal services. In January 2016, the Law Society published a Consultation Paper which sets out a series of issues and related questions about both compliance based regulation and entity regulation for consideration and comment. Issues discussed include the principles for a practice management system, the practice arrangements to which compliance based entity regulation may apply, the roles and responsibilities of a designated practitioner and registration of the entity. As part of the consultation process, the Law Society.

Nova Scotia: The Nova Scotia Barristers' Society's Strategic Direction to Transform Regulation in the Public Interest continues to evolve and has now been recast as a legal services regulation initiative, with a broader scope than the original focus on entity regulation²⁹. The Society's Council made a number of policy decisions to advance this direction in November 2015.³⁰ Regular updates are posted on the Legal Services Regulation webpage, in the free emailed newsletter, and in blog posts.³¹

Its work on entity regulation is focusing on the proactive pieces that will support this new approach. Key is the development of the various elements that will be part of the new 'Management System for Ethical legal Practice' that will be administered through a questionnaire that will be answered by all legal entities. The Society has developed a definition of 'legal entity' as follows: *'A lawyer or a group that carries out work that is supervised by a lawyer whether the work is done by a lawyer or a non-lawyer, including but not limited to law firms, in-house counsel and department/team, government lawyer and department/team, and Legal Aid'*. Further information on the NSBS work may be found at: <http://nsbs.org/legal-services-regulation>.³²

Alberta, Saskatchewan and Manitoba. The Prairie Law Societies (Alberta, Saskatchewan and Manitoba) have issued a collaborative report for their membership that educates the membership on the concept of entity regulation.³³

Which U.S. jurisdictions could at present implement entity regulation?

²⁹ See <http://nsbs.org/framework-legal-services-regulation>

³⁰ See Nova Scotia Barristers' Society, Society news, <http://nsbs.org/news> (includes links to stories about adoption of the Legal Services Regulation Policy Framework and the Draft Self-Assessment tool).

³¹ Nova Scotia Barristers' Society, Legal Services Regulation, <http://nsbs.org/legal-services-regulation>; Nova Scotia Barristers' Society, Nova Scotia Barristers' Society, Legal Services Regulation Update, <http://nsbs.org/legal-services-regulation-update>; Nova Scotia Barristers' Society, LSR Steering Committee BLOG: Proportionate regulation according to risk, <http://nsbs.org/lsr-steering-committee-blog-proportionate-regulation-according-risk>.

³² The Society's authority to regulate law firms is found in Part III of the Act. Section 27 of the Legal Profession Act 2004 ("the Act") provides that in Part III and Part IV unless otherwise indicated, "member of the Society" includes a law firm. Pursuant to section 28 of the Act, Council has broad powers to make Regulations that include, inter alia, establishing or adopting ethical standards for members of the Society and establishing or adopting professional standards for the practice of an area of law.

³³ "Innovating Regulation, A Collaboration of the Prairie Law Societies" found at http://www.lawsociety.sk.ca/media/127107/INNOVATING_REGULATION.pdf.

Two states have already laid the groundwork for entity regulation by requiring law firms to make “reasonable efforts” to ensure that their lawyers conform to the disciplinary rules.

New Jersey. In 1984, the New Jersey Supreme Court adopted the Model Rules of Professional Responsibility, but modified Model Rule 5.1 to clarify that it applies to “all lawyers engaged in the practice of law” and not just to partners in a partnership. Although the New Jersey Supreme Court has asserted its authority to discipline law firms since 1984, it was not until 1997 that the court exercised that authority. See In re Jacoby & Meyers, 147 N.J. 374 (1997), where the Supreme Court reprimanded a law firm for failing to use an approved New Jersey trust account for settlements received in connection with New Jersey legal matters. Then, in 1998, the court reprimanded another law firm for improperly soliciting clients by parking a rented recreational vehicle, covered with law firm ads, at the site of an apartment building gas line explosion. See In re Ravich, Koster, Tobin, Gleckna, Reitman & Greenstein, 155 N.J. 357, 715 A.2d 216 (1998). See also In re Bolden & Coker, P.C., 178 N.J. 324 (2004), reprimanding a Pennsylvania law firm for unauthorized practice of law in New Jersey. More recently, the Supreme Court reprimanded a law firm for violating Rule 5.1(a) by not ensuring that an attorney employed by the firm, but not admitted in New Jersey, took the bar exam before practicing there. In re Sills Cummis Zuckerman Radin Tischman Epstein & Gross, 192 N.J. 222, 927 A.2d 1249 (2007).

New York. New York has also extended to law firms the duty to ensure their lawyers’ compliance with the disciplinary rules. In 1996, in response to a recommendation by the Association of the Bar of the City of New York, the state courts widened their disciplinary jurisdiction to include law firms. The four Appellate Divisions of the New York Supreme Court, which regulate law practice in the state, amended their disciplinary rules to provide that “[a] law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to the disciplinary rules.”³⁴

Two New York law firms have been publicly disciplined since amendments to the state’s disciplinary rules took effect. In 2004, a law firm was publicly censured for engaging in “conduct that adversely reflected on the fitness of the firm’s lawyers to practice” as well as “conduct prejudicial to the administration of justice.” The conduct in question was pressuring immigration clients and their family members who came to the firm’s office to pay additional fees on the spot and yelling at those who could not or would not pay. See In re Law Firm of Wilens & Baker, 9 AD3d 213 (N.Y. App. Div. 2004). And in 2014, another firm was publicly censured for repeatedly pursuing collection matters without verifying the identity of the debtor and the validity of the debts. See In re Cohen & Slamowitz, LLP, 116 AD3d 13 (2014).

Which U.S. jurisdictions are implementing forms of PMBR?

Colorado. In Colorado, a committee finished proposed Colorado regulatory objectives in November 2015. These regulatory objectives emphasize proactive programs that reduce risk and

³⁴ In 2009, the New York courts changed their ethics code to a Model Rules format. New York’s Rule 5.1(a) now provides that “A law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to these rules.” More broadly, New York Rule of Professional Conduct 8.4 provides, inter alia, “RULE 8.4 that “A lawyer or law firm shall not: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another....”

increase consumer confidence. The committee started working on PMBR in December. The committee has drafted principles and has ten working groups developing self-assessment forms for Colorado. The committee has decided the PMBR process will be a volunteer pilot project that has incentives for compliance, including continuing legal education credit, potential certification for creating an ethical infrastructure through self-assessment and verification, and potential financial incentives including a premium reduction on malpractice insurance. In the interim, Colorado Attorney Regulation Counsel has finalized a new website that will allow a portal and dashboard for self-assessments and recordkeeping; and intends to refine a training program for practice monitors to help small entities or solos establish and verify their ethical infrastructure.

Illinois. The Illinois ARDC is studying the concept of entity regulation and PMBR along the same lines in Nova Scotia. The ARDC is looking particularly at aspects of entity regulation concerning the designation of an attorney (or attorneys) in each law firm or practice entity who would be administratively responsible for its ethical infrastructure. It is also considering how to engage designated attorneys in entity assessments and educational efforts both to improve the delivery of services to clients and reduce client grievances. To inform their study the ARDC is also analyzing data on Illinois lawyers and firms. Apparently, the experience in New South Wales has met with interest among Illinois bar leaders.

Most U.S. jurisdictions have adopted ABA Model Rule 5.1 with little change.³⁵ As a result, most U.S. regulators have the power to achieve a measure of PMBR-like regulation without changing existing rules. For example, a regulator might inquire on a lawyer's annual bar dues statement whether the lawyer has responsibilities under Rule 5.1. If the answer is yes, the regulator could ask whether the lawyer is in compliance with the rule. The regulator could also provide a link to online resources that would include educational materials and a self-assessment tool.³⁶

What are the advantages of entity regulation?

First, entity regulation encourages regulators to devote resources to (1) improving the management and culture of the firm as a whole and (2) preventing client and public harm, rather than focusing on individual conduct and discipline after-the-fact. Putting more emphasis on entity regulation, might well encourage those who control a legal practice to develop management training, supervision, and quality control systems.

Second, entity regulation, especially when combined with PMBR, can improve the relationship between the regulator and the regulated because the regulator focuses on helping to improve the

³⁵ See ABA CPR Policy Implementation Committee, *Variations of the ABA Model Rules of Professional Conduct: Rule 5.1: Responsibilities Of Partners, Managers, And Supervisory Lawyers* (Updated Oct. 21, 2014), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpe_5_1.authcheckdam.pdf

³⁶ Colorado is considering adding these questions to its bar dues statement. See Laurel S. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection through Adoption of a Proactive Regulation System*, 20(3) Lewis & Clark L. Rev. ____ (2016)(forthcoming); Laurel S. Terry, *Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken*, 43 Hofstra L. Rev. 95, 128, n. 142 (2014)(suggesting this idea).

practice as a whole and reduce complaints, while shifting the regulatory focus away from discipline alone.

Third, entity regulation could remove the potential unfairness of holding one lawyer in a firm responsible for system failures where others in the firm, or the firm itself could just as well be made accountable.

Fourth, entity regulation overcomes a common problem in processing complaints, namely, identifying the lawyer(s) to whom the alleged misconduct is (and is not) attributable. Entity regulation will allow a complaint to be made against the firm as a whole and clients would be relieved of the obligation to name specific individual(s).

Fifth, entity regulation means that everyone in the law firm (whether they are lawyers or non-lawyers) have a stake in whether the firm is in compliance since law firm discipline directly or indirectly affects all firm lawyers.

Finally, entity regulation reduces the number of complaints made against law-practice entities and improves practice management. In 2008, a research study by Dr. Christine Parker of the University of Melbourne Law School in conjunction with the NSW regulator assessed the impact of ethical infrastructure and the self-assessment process in NSW in order to determine whether the process is effective and whether the process is leading to “better conduct” by firms required to self-assess.³⁷ The Parker/OLSC study found that client complaints decreased by two-thirds after implementation of the mandatory “appropriate management systems” requirement for New South Wales’ ILPs and that after self-assessment, ILPs had one-third the rate of complaints of non-ILPs.³⁸

Moreover, in another recent research study conducted on incorporated legal practices in NSW, by Professor Susan Saab Fortney of Hofstra University, New York, in conjunction with the NSW regulator, revealed that a majority of law firms (71%) who completed the self-assessment process had revised their firm systems, policies, and procedures and 47% had actually adopted new systems, policies, and procedures.³⁹ Forty-two percent (42%) of firms indicated that they “strengthened firm management” following the completion of the first self-assessment.

What are the disadvantages of entity regulation?

Some may argue that the greatest challenge for entity regulation is that the concept is not well understood within the bar, and that a change in mindset from the lawyer’s traditional view of professional self-regulation is probably needed. Judging by the experience in Australia, the

³⁷ C.E. Parker, T. Gordon, S. Mark, 2010, Regulating law firms ethics management: an empirical assessment of an innovation in regulation of the legal profession in New South Wales, *Journal of Law and Society [P]*, vol. 37, issue 3, Blackwell Publishing, UK, pp. 466-500.

³⁸ Laurel S. Terry, *Transnational Legal Practice (International)* [2010-2012], 47 *Int’l L.* 485 (2013 at 496); http://www.personal.psu.edu/faculty/1/s/1st3/Transnational_Legal_Practice_2020-2012_International.pdf.

³⁹ Susan Fortney & Tahlia Gordon, Adopting Law Firm Management Systems to Survive and Thrive: A Study of the Australian Approach to Management-Based Regulation, 10 *ST. THOMAS L. J.* 152 (2012).

traditional view can be overcome with an effective education program that explains the purpose, and benefits of entity regulation.

Entity regulation requires firms to focus on ethical issues at the entity level, not just the individual lawyer level. Changing the focus is not easy, but it can benefit firms with multiple practice groups by enabling them to streamline their educational programs and ensure uniformity across practice groups.

Entity regulation requires planning and takes time from busy regulators and firms alike. Effective planning for entity regulation requires regulators to consult with the profession. But this may produce surprising benefits as discussions between regulators and the firms they regulate can create closer relationships and mutual understanding.

PART 2

How have jurisdictions actively studying Entity Regulation gone about it? By creating a task force or other body?

In considering entity regulation, jurisdictions have chiefly relied on consultation with the profession. For example, the Costs Lawyers Standards Board⁴⁰ (CLSB) in Manchester, England, last year sought the views of costs lawyers about how it might regulate costs-lawyer-led entities, in addition to its current system of regulating individual practitioners. After consultation, CLSB is seeking to confine itself to the regulation of costs law *entities*, with sole practitioners and in-house Costs Lawyers continuing to be regulated through their individual practicing certificates.⁴¹

The Law Society of Scotland has also been considering entity regulation. In 2014 the Society released two consultation papers – one on entity regulation and the other on principles and outcomes-focused regulation. In 2016, the Society released a second consultation paper on entity regulation in order to further explore what entity regulation might mean for the profession, the issues it may raise, and what charging models should be considered.⁴²

What U.S. organizations are studying/considering Entity Regulation?

The U.S. organizations studying entity regulation include the ABA Center for Professional Responsibility, the ABA Commission on the Future of Legal Services, the Conference of Chief Justices, the International Legal Regulators Conference, Illinois ARDC and Colorado Attorney Regulation Counsel. A number of these organizations are in communication with, or gathering information about, the entities mentioned in this FAQ.

⁴⁰ The Costs Lawyers Standards Board is the Approved Regulator of Costs Lawyers. Costs Lawyers are legal costs experts who, inter alia, advises on the charging and recovery of legal fees and disbursements and undertakes costs budgeting.

⁴¹ CLSB, Entity Regulation & Revised Principle 3.6, <http://clsb.info/policy-outcomes/consultations/entity-regulation/>

⁴² The Law Society of Scotland, Regulation in the 21st Century, <http://www.lawscot.org.uk/members/regulation-and-standards/regulation-consultations/>

PART 3

Resources

ABA Center for Professional Responsibility resources:

Law review articles:

Susan Saab Fortney, *The Role of Ethics Audits in Improving Management Systems and Practices: An Empirical examination of Management-Based Regulation of Law*, 4 St. Mary's J. Legal Mal. & Ethics 112 (2014).

Ted Schneyer, *The Case for Proactive Management-Based Regulation to Improve Professional Self-Regulation for U.S. Lawyers*, 42 Hofstra L. REV. 233 (2013).

Ted Schneyer, *On Further Reflection: How "Professional Self-Regulation" Should Promote Compliance with Broad Ethical Duties of Law Firm Management*, 53 ARIZ. L. REV. 577, 585 (2011).

Laurel S. Terry, *Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken*, 43 Hofstra L. Rev. 95, 128, n. 142 (2014)(suggesting the idea of using Rule 5.1 to achieve PMBR even in the absence of entity regulation).

Laurel S. Terry, Steve Mark, Tahlia Gordon, *Adopting Regulatory Objectives for the Legal Profession*, 80 Fordham L. Rev. 2685 (2012). This article provides a thorough treatment of regulatory objectives in a number of jurisdictions. It includes a discussion of the different methods by which lawyers are regulated (e.g., legislation, court rules, law society bylaws); legislative history, and an analysis and comparison of the regulatory objectives in a number of jurisdictions. The regulatory objectives from a number of jurisdictions are included as appendices.

Laurel S. Terry, *Why Your Jurisdiction Should Consider Jumping On The Regulatory Objectives Bandwagon*, 22(1) Prof. L. 28 (Dec. 2013). This article is a 15 page version of the Terry/Mark/Gordon 2012 regulatory objectives article. It is targeted to state supreme courts and lawyer regulators in the United States.

Laurel S. Terry, Steve Mark, Tahlia Gordon, *Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology*, 80 Fordham L. Rev. 2661 (2012). This "Trends" article uses a "who-what-when-where-why-and-how" structure as a means to discuss global lawyer regulation developments around the world. Although many jurisdictions combine these developments, it offers a means to analyze the issues separately and compare regulatory approaches in different countries.

Laurel S. Terry, *Trends in Global and Canadian Lawyer Regulation*, 76 Saskatchewan L. Rev. 145 (2013). This article uses the structure developed in the 2012 Terry/Mark/Gordon “Trends” article to analyze Canadian lawyer regulation developments.

See also <http://tinyurl.com/laurelterryslides> (includes links to presentation slides, organized by topic) and http://works.bepress.com/laurel_terry/ (contains links to articles on a number of issues related to globalization and the legal profession, including foreign lawyer mobility provisions, a comparative analysis of UPL/lawyer monopoly provisions in countries, interest in the legal profession by antitrust authorities, EU regulation of lawyers (the most recent analysis is found in the Bologna Process articles), trade agreements’ application to legal services, FATF and “gatekeeper” issues, and transnational legal practice year-in-review articles, among other topics).

(1) Adam Dodek, “Regulating Law Firms in Canada” (2011) 90 Can Bar Rev 383

In Canada, the regulatory focus of law societies has always focused on the people who provide legal services rather than on the vehicles through which legal services may be provided. The traditional model of the delivery of legal services then was the sole lawyer in private practice. This model has survived for over two centuries. However, law firms of all sizes are now omnipresent in the Canadian legal profession. While law firms are ever present in the practice of law, they are peripheral in the regulation of lawyers in Canada. At the very least, this discrepancy presents a question that should be addressed: should law firms be regulated?

Law Societies should regulate law firms. They should do so primarily on the basis of ensuring public confidence in self-regulation and respect for the Rule of Law and only secondarily out of concerns regarding public protection. The proper question is not why should law firms be regulated but why do they largely escape Law Society regulation? It is widely recognized that law firms have their own culture. It is contested whether this culture strengthens or weakens ethical conduct of the firm’s constituent lawyers. Resolution of this issue is not necessary for the purposes of my argument. Once it is acknowledged that the law firm is an independent actor exerting significant influence on the practice of law, the burden of justifying why it should be regulated necessarily shifts.

The absence of law firm regulation creates a problem of legitimacy for Law Societies mandated to regulate the practice of law in the public interest. This regulatory gap also raises Rule of Law concerns and may threaten public confidence if the public believes that the most powerful groups of lawyers escape regulation. Bar leaders in Canada have ratcheted up the expectations of self-regulation through the strength of their rhetoric and their actions against perceived incursions of self-regulation. As a result, lawyers in Canada have set the bar for what self-regulation is supposed to accomplish at a very high level. Consequently, the failure to regulate law firms may threaten self-regulation of the legal profession in Canada.

This paper presents an argument and a blueprint for law firm regulation. It has five parts in addition to this introduction. In Part I, the author details why Canadian law societies should regulate law firms. Part II undertakes a “regulatory audit” of how Law Societies in Canada currently regulate law firms. He then turns to comparative experience in Part III by examining how law firms are regulated in three comparable jurisdictions: the United States, Australia and the United Kingdom. Then in Part IV, the author presents a suggested template for law firm regulation. Finally, Part V provides a brief conclusion.

(2) Amy Salyzyn, "What if We Didn't Wait? Canadian Law Societies and the Promotion of Effective Ethical Infrastructure in Canadian Legal Practices" (2015) 92 Can Bar Rev 507

Canadian law societies primarily regulate lawyer behaviour by responding to complaints made against individual lawyers. Although this complaints-based regime is necessary, in particular to address cases of lawyer misfeasance or extreme incompetence, it is limited in its ability to target a significant determinant of ethical lawyer conduct: the presence of institutional policies, procedures, structures and workplace culture within a law practice that help lawyers fulfill their ethical duties. Given the importance of these formal and informal measures — referred to collectively as “ethical infrastructure” — this article explores whether and how law societies might become more active in promoting effective ethical infrastructures within Canadian law practices.

Ensuring effective ethical infrastructures within law practices seems self-evidentially good: we want lawyers to work in environments that facilitate compliance with their ethical duties. It is less obvious, however, that it would be a good thing for law societies to regulate the ethical infrastructures of Canadian legal practices. Decisions about a practice’s ethical infrastructure, like what policies and procedures to put in place, are typically thought to fall to private ordering and the decisions of law firm managers (influenced by insurer and client demands) rather than to the domain of public regulators like law societies. Indeed, many Canadian lawyers are likely to be suspicious of proposals to add an additional layer of regulator involvement in their practices.

What justifies regulatory intervention in this area? The case presented in this article for expanded law society involvement in the ethical infrastructures of Canadian law practices is three-fold: (1) there are reasons to believe that these infrastructures could, as a general matter, be improved; (2) this improvement would, in turn, lead to improved outcomes in relation to lawyers’ ethical duties; and (3) current law society regulatory efforts are not optimally situated to assist with this improvement. Stated otherwise, law societies should become more involved in the ethical infrastructures of Canadian law practices because neither the market nor current regulatory efforts are effectively addressing this important aspect of law practice.

Proactive Regulation

Frequently Asked Questions

1. What is proactive regulation?

“Proactive regulation” is a term used to describe approaches and programs that try to **prevent** lawyer regulatory and service problems from occurring, rather than dealing with alleged misconduct after complaints are filed. Proactive regulation is based on the premise that sometimes “an ounce of prevention is worth a pound of cure.”

2. If a jurisdiction uses proactive regulation, does that mean that it cannot discipline lawyers?

No. While proactive regulation tries to prevent problems from occurring in the first place, it does not preclude a jurisdiction from disciplining a lawyer. A jurisdiction can have both a proactive regulation system and a lawyer discipline system.

3. Are there various forms of proactive regulation?

Yes. Most U.S. jurisdiction use some kinds of proactive regulation. For example, most U.S. jurisdictions have mandatory Continuing Legal Education (CLE) requirements. CLE requirements have been adopted with the goal of having lawyers keep up-to-date and thus avoid problems. Other examples of proactive regulation include the following:

- Ethics hotlines;
- Law practice management assistance;
- Assistance for impaired lawyers;
- Bridge the gap, mentoring, professionalism or other programs for newly admitted attorneys;
- Practice standards for specific subject matter or practice areas;
- Monitoring discipline data to determine topics for future proactive regulation;
- Using registration data or discipline data to determine type of outreach for particular kinds of lawyers;
- Emailed newsletters that contain proactive tips; and
- Emails to lawyers who switch registration status to solo or small firms given the higher rate of client complaints against solo and small firm lawyers.

Appendix B to this Proactive Regulation FAQ identifies jurisdictions that use each of these methods.¹

¹ Please let us know if we haven't listed your jurisdiction and we should. If you have additional measures that aren't included that you think should be included, please let us know. You can reach the NOBC Proactive Regulation Committee by contacting its Chair, Jim Coyle, at j.coyle@csc.state.co.us.

Jurisdictions may adopt a few, many, or all of these proactive measures, and perhaps others as well. They may also vary in the extent to which they rely on, and commit resources to, proactive as opposed to the traditional, “reactive” tools -- disciplinary enforcement and malpractice liability. Some, such as the jurisdictions described later, have committed to consider, regularly and systemically, what proactive measures they might use when approaching a given issue.

4. Have some jurisdictions made a systemic commitment to use a proactive regulatory approach?

While most, if not all, jurisdictions use at least some proactive regulation tools, there is growing interest in jurisdictions around the world in approaching proactive regulation in a more comprehensive and systemic manner. For example, the regulator for the legal profession in Nova Scotia, Canada uses a “Triple P” regulatory approach – that is, its approach to regulation will be proactive, principled, and proportionate. See Nova Scotia Barristers’ Society, Framework Chart, <https://perma.cc/74AX-BTNT>. Several other Canadian provinces are considering whether to make a commitment to have a systemic and comprehensive approach to proactive lawyer regulation.²

In 2016, the Colorado Supreme Court adopted a preamble to its *Rules Governing the Practice of Law*. The new preamble sets forth regulatory objectives and includes proactive regulation among these objectives. See <https://perma.cc/H5HB-VYNW>. On January 25, 2017, Illinois issued a press release announcing that it was “the first state in the nation to adopt a Proactive Management Based Regulation (PMBR).” Among other things, Illinois adopted a rule that requires a lawyer to conduct a self-assessment of the operation of his or her law practice every two years if that lawyer does not have malpractice insurance.³ The press release noted that the changes were based upon a multi-year study of PMBR initiatives in other countries and in the United States, and after consultation with key Illinois stakeholders, including many bar association and lawyer groups. Other U.S. jurisdictions, such as New Mexico, are considering the adoption of statements that express their commitment to a systemic approach to proactive regulation.

5. What are the benefits of adopting a systemic commitment to proactive regulation?

² For a summary of the Canadian developments, see Laurel S. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System*, 20 LEWIS & CLARK L. REV. 717 (2016). To find more recent developments, you can consult the Canadian portals, which are linked from the webpage of the Colorado Proactive Management Based Regulation subcommittee. See <https://perma.cc/RW6K-PTZQ>. As the Proactive Regulation law review article and the documents on these portals reveal, several Canadian provinces are combining their efforts to develop a more proactive regulatory system with efforts to develop or implement a system of entity regulation. This combination is often referred to as PMBR (Proactive Management Based Regulation). For additional information on PMBR and the combination of proactive and entity-based regulation, see the NOBC’s Entity Regulation FAQ document available at <http://www.nobc.org/index.php/jurisdiction-info/global-resources/entity-regulation>. For links to the Canadian web

³ See Illinois Supreme Court Rules, Rule 756 on Registration and Fees, at Rule 768(e), available at http://www.illinoiscourts.gov/SupremeCourt/Rules/Art_VII/artVII.htm#Rule756.

Some have argued that there is a benefit to having a jurisdiction make a systemic commitment to proactive regulation, rather than adopting, on ad hoc basis, proactive regulation tools. For example, in her *Proactive Regulation* law review article, Professor Laurel Terry from Penn State's Dickinson Law argued that a jurisdiction that has a comprehensive and systemic commitment to proactive regulation might find cost effective ways to prevent problems from occurring rather than responding after they occur. She offered the example of Colorado, which sends an email to all lawyers who move from a government legal position or large firm practice to a solo or small firm practice. The email summarizes the many resources that the Colorado regulator has available, including personal consultations. The email costs Colorado very little money up front, but in the long run, it should help avoid problems and save the state – and more importantly, clients – both money and aggravation. While a jurisdiction could certainly use an email tool like this without having adopted a comprehensive and systemic approach to proactive lawyer regulation, having such a commitment makes it more likely that a regulator will regularly take a moment to stop and reflect and consider whether it could be doing something additional, on a proactive basis, that would prevent problems, rather than simply responding to problems after they occur.

Darrel Pink, the Executive Director of the Nova Scotia Barristers' Society, has explained as follows the usefulness of having made a systemic commitment to proactive regulation: 'Our goal is to change the nature of the conversation between the Society, as regulator, and the profession. We will do this by actively engaging with lawyers and law firms about matters that we know, from experience, raise substantial risk of complaints, claims against our insurance program or other regulatory interventions, such as from trust account oversight. This engagement is a clear example of proactive regulation aimed at addressing issues before they escalate to the level where coercive action is required'. The Nova Scotia Barristers' Society has begun to use its proactive approach across the board, including, for example, when it approaches professional responsibility and credentialing issues.⁴

Arguably, proactive approaches protect the public more than reactive systems. In her article, *Promoting Public Protection through an "Attorney Integrity" System*, Professor Susan Fortney of Texas A&M University School of Law explains that an attorney regulation system that relies heavily on a complaint-driven process of prosecuting alleged misconduct after it occurs provides little direct relief to the client or other persons who have been injured by the lawyer's misconduct.⁵ Rather than waiting for misconduct to occur, she asserts that a proactive system of "attorney" integrity, rather than "attorney discipline," helps improve ethical conduct and the quality of legal services, while reducing the number of complaints.⁶ In the long run, she suggests that such a move can save regulators money and enable regulators to focus more on those complaints that are filed, while enhancing both client and lawyer satisfaction.⁷

6. Do jurisdictions that have entity regulation necessarily use proactive regulation?

⁴ See Terry, *supra* note 2, at 89.

⁵ Susan Saab Fortney, *Promoting Public Protection through an Attorney Integrity" System: Lessons from the Australian Experience with Proactive Regulation of Lawyers*, 23 PROFESSIONAL LAWYER, 16 (2015), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2906525.

⁶ *Id.* at 7.

⁷ *Id.* at 7-8.

No. It is possible for a jurisdiction to regulate entities, but not to have adopted a proactive regulation approach. For example, regulators in both New York and New Jersey have the authority to discipline law firms, as well as individual lawyers. But neither New York nor New Jersey has, as yet, adopted a comprehensive proactive regulation system. Both states have proactive programs and measures, but neither uses a systematic approach, such as Triple P regulation being developed in Nova Scotia.

7. Do jurisdictions need to adopt entity regulation in order to make a commitment to proactive regulation?

No. Even if a jurisdiction has not adopted entity regulation, it is possible for that jurisdiction to decide that it wants to regulate proactively, in order to prevent problems before they occur. For example, a U.S. jurisdiction that has not adopted entity regulation could decide to use a Triple P approach to regulation – that is, to regulate in a manner that is proactive, principled, and proportionate.⁸ It is common for U.S. regulators to have goals (or principles) such as client protection and public protection that they are trying to advance. It is also common for U.S. regulators to try to regulate in a manner that is appropriate and fair (i.e., proportionate). A jurisdiction could decide that even in the absence of entity regulation, proactive regulation would advance its regulatory goals (or principles) and that it would be appropriate to do so.

8. If a jurisdiction wants to use proactive regulation, what tools are available?

A jurisdiction that wants to regulate proactively has a number of tools available to it. It could adopt one or more of the tools found in the bulleted list in Question 3 above. It could send an email to lawyers who switch job settings, as Colorado has done. It could subscribe to the free *Legal Services Regulation Update e-newsletter*⁹ circulated by the Nova Scotia Barristers' Society to see what new steps Nova Scotia is taking with respect to proactive regulation. It could also talk to other jurisdictions interested in proactive regulation to find out what tools they are using. (See one of the next FAQ for ways in which jurisdictions interested in this topic can connect with each other).

One tool that has received significant attention in recent years is a self-assessment form. The first jurisdiction to use this tool was New South Wales, Australia, which required that a representative from an Incorporated Legal Practice (ILP) complete the self-assessment form.

⁸ Although the terms “principled” and “proportionate” are not commonly used in U.S. lawyer regulatory circles, the ideas they represent are common in the United States. For example, when the U.S. Supreme Court evaluates the constitutionality of restrictions on lawyers’ commercial speech that is not false or misleading, it uses the 3-part Central Hudson test. For speech that is not false or misleading, the test asks: 1) whether the asserted governmental interest is substantial; 2) whether the regulation directly advances the governmental interest asserted; and 3) whether the restriction is more extensive than is necessary to serve that interest. *See Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980). In *Michigan v. Environmental Protection Agency*, ___ U.S. ___, 135 S. Ct. 702 (2015), the Supreme Court struck down a regulation because the agency in question failed to do a cost-benefit analysis which was required in order to decide whether the regulation was “appropriate and necessary,” as required by the statute. Both of these cases reflect ideas that are similar to a “proportionality” requirement.

⁹ This newsletter can be found at <http://nsbs.org/legal-services-regulation-update>. Anyone may sign up to receive a copy.

The self-assessment form, which was developed by the New South Wales Office of the Legal Services Commissioner in consultation with stakeholders, asked firms to evaluate whether they had systems in place designed to prevent ten of the most common problems. The form addressed potential problems such as handling matters on which the firm was not competent, fee disputes, missed deadlines, conflicts of interest, and ensuring staff confidentiality regarding client matters. One of the reasons why the self-assessment tool has received so much attention is because of a study conducted by Professor Christine Parker with the cooperation of Steve Mark and Tahlia Gordon from the New South Wales Office of the Legal Services Commissioner. This academic study found that New South Wales ILP firms that used this tool significantly reduced the number of client complaints filed against them and had a significantly lower number of complaints than non-ILP law firms that did not use the self-assessment form.¹⁰

Subsequent to the publication of the study about the results in New South Wales, the Canadian Bar Association developed a voluntary self-assessment form that focused on a firm's 'ethical infrastructure'. Colorado has also made a self-assessment form available, and Nova Scotia will be evaluating in Spring 2017 the results of its self-assessment pilot project in which it had 50 firms test two different self-assessment forms, one of which was designed for solo practitioners and smaller law firms and the other of which was designed for larger law firms. (In Nova Scotia, the draft self-assessment form is called the "draft MSELP Self-Assessment Tool;" MSELP is the acronym that refers to the need for firms to have a Management System for Ethical Legal Practice. See <http://nsbs.libguides.com/mselpresources>.) Similar instruments are in active development in Ontario, the Prairie law societies and British Columbia in Canada.

Professor Fortney conducted a second empirical study of the New South Wales regulatory regime that required the adoption of appropriate management systems and the self-assessment process discussed above.¹¹ Using data from interviews and surveys, she evaluated the relationship between self-assessment and ethical norms, systems, conduct and culture in firms, and how the self-assessment process could be improved. On the effects of the self-assessment process, Professor Fortney found that almost three quarters of the respondents who completed the self-assessment revised their law firm policies as a result of going through the self-assessment process. Her study also found that close to half of the respondents had adopted new systems, policies, and procedures as a result of the self-assessment procedure. She concluded that:

"Quite simply, these findings point to the positive impact that the self-assessment process has in encouraging firms to examine and improve the firms' management systems, training, and ethical infrastructure. Interestingly, with respect to most steps

¹⁰ See Christine Parker, Tahlia Gordon & Steve Mark, *Regulating Law Firm Ethics Management: An Empirical Assessment of an Innovation in Regulation of the Legal Profession in New South Wales*, 37 J.L. & SOC'Y 466, 485–488, 493 (showing that on average, the complaint rate (average number of complaints per practitioner per years) for ILPs after self-assessment was two-thirds lower than the complaint rate before self-assessment).

¹¹ See Susan Fortney & Tahlia Gordon, *Adopting Law Firm Management System to Survive and Thrive: A Study of the Australian Approach to Management-Based Regulation*, 10 U. ST. THOMAS L.J. 152 (2012); available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205301.

taken by the firms, there was no significant difference related to firm size and steps taken.”¹²

Professor Fortney’s article included the table that is reproduced below that shows the impact of the self-assessment process:

Table 1
Steps Taken by Firms in connection with the First
Completion of the Self-Assessment Process

Reviewed firm policies/procedures relating to the delivery of legal services	84%
Revised firm systems, policies, or procedures	71%
Adopted new systems, policies, or procedures	47%
Strengthened firm management	42%
Devoted more attention to ethics initiatives	29%
Implemented more training for firm personnel	27%
Sought guidance from the Legal Services Commissioner/another person/organization	13%
Hired consultant to assist in developing policies and procedures	6%

One additional finding that is noteworthy but is not included in Table 1 is Professor Fortney’s finding that a majority of lawyers who used the self-assessment process were satisfied with it, including those lawyers who had been skeptical at the outset. The article notes that “sixty-two percent of the respondents reported that they agreed or strongly agreed with the following statement: the self-assessment process ‘was a learning exercise that enabled our firm to improve client service.’”

Professor Laurel Terry has recognized that virtually all U.S. jurisdictions currently have tools available to them that would allow them to deploy the self-assessment tools that have been used in Australia and Canada. Virtually all U.S. jurisdictions have adopted a version of Rule of Professional Conduct 5.1(a) that is substantially similar to the ABA Model Rule of Professional Conduct:

Rule 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

¹² Susan Saab Fortney, *Promoting Public Protection through an “Attorney Integrity” System: Lessons from the Australian Experience with Proactive Regulation System*, 23 PROF. LAW. 16 (2015) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2906525) (shorter article that includes Table 1 and summarizes the results of the study).

Professor Terry has argued that jurisdictions should add two questions to each lawyer's annual bar dues statement. The first question would ask the lawyer if he or she was subject to Rule 5.1(a).¹³ The second question would apply to those lawyers who answered "yes" to the first question and would ask them if they were in compliance with Rule 5.1(a). The bar dues statement would include a URL for a website that would have resources available and that could include one of the already-existing self-assessment forms. (The Appendix to Professor Terry's article includes examples from the New South Wales, Canadian Bar Association, Colorado, and Nova Scotia self-assessment forms).

Professor Fortney has identified a number of steps that can be taken to encourage or push lawyers to devote time to seriously examining and improving firm practices and controls. In suggesting that interested parties consider how to integrate management-based principles into current regulatory approaches, she urged regulators to adopt and expand the use of diversion programs to deal with minor misconduct and practice management concerns.¹⁴ Recognizing the role that professional liability insurers play in promoting risk management, she recommended that lawyers' professional liability insurers require completion of an audit or practice review as a condition of obtaining insurance or a lower premium.¹⁵ Finally, to address concerns related to the discovery of the results of the self-assessments or practice reviews, she also proposed that jurisdictions recognize a self-evaluation privilege¹⁶.

Professor Amy Salyzyn, who helped develop the Canadian Bar Association's Self-Assessment tool, has also recommended that malpractice carriers consider what sorts of incentives they could offer to lawyers or firms that completed the self-assessment form.¹⁷ She has endorsed the proactive approaches currently being used or under development in Canada, arguing that the current approach focuses more on public interest than the prior regulatory approaches.¹⁸

As these brief examples show, there are a number of tools that might be available to jurisdictions that would like to use proactive regulation. While lawyer professional misconduct undoubtedly will still occur, proactive regulation tools, well-deployed, can educate lawyers, and reduce the number of client complaints, while improving lawyer and client satisfaction.

9. How can jurisdictions that are interested in considering proactive regulation connect with one another?

¹³ If a jurisdiction had concerns that a lawyer would not know whether he or she was a lawyer who "possesses comparable managerial authority in a law firm," that jurisdiction could limit the first question to asking whether the respondent was a partner or shareholder in his or her law firm.

¹⁴ Susan Saab Fortney, *The Role of Ethics Audits in Improving Management Systems and Practices: An Empirical Examination of Management-Based Regulation of Law*, 4 ST. MARY'S J. LEGAL MAL. & ETHICS 112, 131-37 (2014), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2375219

¹⁵ *Id.* at 138-41,

¹⁶ *Id.* at 141-46.

¹⁷ See Amy Salyzyn, *What if We Didn't Wait?: Canadian Law Societies and the Promotion of Effective Ethical Infrastructure in Law Practices*, 92 Canadian Bar Review 507, 543-44, 544 n.126 (2015) (endorsing the \$100 Risk Management Credit offered by LawPro, which is Ontario's mandatory malpractice carrier, to lawyers who participate in qualifying programs, but recommending a larger discount than the current amount);

¹⁸ Amy Salyzyn, *From Colleague to Cop to Coach: Contemporary Regulation of Lawyer Competence*, 94 Canadian Bar Review __ (2017) (forthcoming).

There are several ways that jurisdictions that are interested in proactive regulation can connect with one another. The members of the NOBC Proactive Regulation Committee are listed on the relevant NOBC Global Resources webpage – all committee members are willing to speak to jurisdictions interested in this topic. See <https://www.nobc.org/index.php/jurisdiction-info/global-resources>.

You can also see who the attendees were at the 1st and 2nd Proactive Management Based Regulation Workshops that were held immediately following the 2015 and 2016 National Conferences on Professional Responsibility. The minutes from those sessions, including the attendees, are available as links from the Colorado PMBR Webpage, <https://perma.cc/RW6K-PTZQ>.

10. Do some jurisdictions use terms other than “proactive regulation” to describe the concepts discussed in this FAQ document?

As noted above, jurisdictions around the world have expressed interest in using a more systematic and comprehensive approach to proactive regulation in which they focus on trying to prevent lawyer misconduct, rather than waiting until after problems arise. To date, however, jurisdictions have used different terminology to express this idea. For example, the Prairie Provinces in Canada issued a consultation that used the term “compliance” based regulation. This term included the concept of proactive regulation. Some jurisdictions may use the term “risk-based” regulation in a way that includes proactive regulation.

Some of the participants from the 1st and 2nd Proactive Workshops recognized the potential confusion that arises when jurisdictions use different terminology. Some of the Workshop attendees have formed an *ad hoc* group that is trying to develop common language to discuss the recent developments, including the concepts in this FAQ. If common terminology is developed, this terminology will be included in future versions of this FAQ, on the NOBC’s Global Resources webpage, and on the Colorado PMBR webpage. (The minutes from that *ad hoc* terminology meeting currently are available on the Colorado page at this URL: <https://perma.cc/4PVL-963U>.)

Although the terminology may vary, it *is* possible to determine whether different individuals or jurisdictions are talking about the same concept, even though the words they use differ. One way to do so is to use the “who-what-when-where-why-and-how” structure that Steve Mark, Tahlia Gordon, and Laurel Terry used in their article entitled *Trends in Global Lawyer Regulation*.¹⁹ As they noted in that article, a number of the recent global lawyer regulatory developments, such as the 2007 UK Legal Services Act, have adopted regulatory reforms that combine a number of these “who-what-when-where-why-and-how” factors. But it is possible for a jurisdiction to disaggregate these variables and change one of them without changing all of them. Proactive regulation deals with the issue of ‘*when*’ regulation occurs. As

¹⁹ See Laurel S. Terry, Steve Mark, Tahlia Gordon, *Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology*, 80 FORDHAM L. REV. 2661 (2012), http://www.personal.psu.edu/faculty/l/s/lst3/TerryMarkGordon_Trends_Lawyer_Regulation.pdf.

noted earlier, proactive regulation is regulation that focuses on the time period *before* problems arise, rather than the time period *after* problems arise.

A number of jurisdictions either have adopted – or have proposed – reforms that combine changes to both the “what” and the “when” variables. These reforms have changed the focus of “when” regulation occurs so that it includes the time period before problems arise. But some of the recent changes, such as those in U.K. and Nova Scotia, have combined the ‘when’ reforms with reforms to ‘What’ is regulated. They have made law firms, as well as individual lawyers, subject to regulation. As addressed in greater detail in the next Question 11 and in the separate NOBC Entity Regulation FAQ document, one reason why they have done that is because a number of people believe that proactive regulation will be most effective when combined with entity regulation – in other words, that it is useful to combine reforms to both “when” regulation occurs and “what” is regulated.

Although proactive regulation and entity regulation can be combined, it is possible for a jurisdiction to separate the “when regulation occurs” variable and the “what is regulated” variable. A jurisdiction might make reforms in one of these areas without making reforms in the other area. As the New York and New Jersey examples show, it is possible to have entity regulation without proactive regulation. (See a prior FAQ in this document regarding this point). It is also possible to have proactive regulation without entity regulation, as Colorado’s letter to lawyers changing law firms and Professor Terry’s Rule 5.1(a)-bar dues suggestion show. (See a prior FAQ).

11. What is “proactive management based regulation (PMBR)” and how does it differ from proactive regulation?

As noted in Question 10, at the moment, terms such as PMBR may be used differently by different jurisdictions. This is why the Ad Hoc Terminology group is working to develop a set of terms that may be used consistently. In general, however, the term “proactive management-based regulation” (PMBR), is generally said to have been coined by Professor Ted Schneyer, refers to programs designed to promote ethical law practice by assisting lawyers with proactive management.²⁰

These programs generally have three features. First, they emphasize proactive initiatives as a complement to traditional, professional discipline. Second, they tend to focus on the responsibility of law firm management to implement policies, programs, and systems – in short, an “ethical infrastructure” -- that is designed to prevent misconduct and unsatisfactory service. Third, they strive to improve legal services and reduce problems by establishing information-sharing and collaborative relationships between regulators and service providers. The NOBC’s Entity Regulation FAQ document, which is regularly updated, provides information about PMBR and jurisdictions that have combined changes to what is regulated and changes to when regulation occurs.

12. What are the potential arguments against proactive regulation (and the responses)?

²⁰ See Ted Schneyer, *The Case for Proactive Management-Based Regulation to Improve Professional Self-Regulation for U.S. Lawyers*, 42 HOFSTRA L. REV. 233 (2013).

Before a regulator contemplates a change, it is worth considering some of the potential resistance that he or she might encounter. Here are some of the potential arguments against proactive regulation and some potential responses.

12.1 * Leaders of regulatory bodies don't have the power to affect the type of change discussed, nor should they.

Response: Proactive regulation does not mean that the leaders of regulatory bodies have to act unilaterally. But they should recognize their potential influence and understand that it might be easier to implement a proactive system than they realize.

12.2 *It is difficult to measure whether proactive regulation is effective; measurement is important to an organization that needs budget allocations and accountability.

Response: It is true that well-established metrics for measuring reactive, discipline-based systems exist. (These metrics include things such as the number of cases filed, time to disposition, and the results of discipline). Organizations that adopt proactive measure or an overall proactive approach undoubtedly will want to think about metrics they can use to measure their efforts and effectiveness. The metrics might be quite different and might include factors such as website visits, download counts, and changes in practice (such as those demonstrated in the qualitative and quantitative studies that have been conducted in Australia). But the fact that new metrics may be needed should not discourage a jurisdiction from adopting more proactive regulation. Jurisdiction may, however, find it useful to work with one another to develop appropriate metrics and accountability factors. Depending on the type of proactive measure, some metrics currently can be used. For example, a regulator could monitor the success of diversion measures for law practice management concerns. Specifically, the regulator could track severity and frequency of disciplinary charges filed against lawyers who completed a diversion program.

12.3 * Some individuals might resist the idea of proactive regulation because of a view that the jurisdiction is not "ready" to develop a system of entity regulation in which law firms are regulated along with individual lawyers (entity regulation).

Response: As this FAQ has demonstrated, it is possible for a jurisdiction to adopt proactive regulation without entity regulation (and entity regulation without proactive regulation). Thus, even if a jurisdiction is unwilling to adopt entity regulation, it could decide to adopt additional proactive measures or decide to make a systemic commitment to always consider what proactive measures might be appropriate. A reluctance to adopt entity regulation should **not** be a reason to avoid proactive regulation.

12.4 * Some individuals might oppose proactive regulation because of a belief that the regulatory body does not have funds available to implement proactive regulation.

Response: Cost should not be a barrier to proactive regulation. First of all, changing one's mindset—in and of itself—is priceless, but does not have a price tag attached. A regulator

that had a proactive mindset might discover a range of low-cost ways in which it could implement its vision. Second, if proactive regulation prevents problems, it may reduce regulatory costs rather than increase them. It is true that some jurisdictions, such as the Nova Scotia Barristers' Society, have committed resources to restructuring the regulatory system. But it is possible for a jurisdiction to begin more modestly and adopt proactive measures and a proactive mindset in which the jurisdiction begins by looking for low cost but potentially very effective proactive measures such as the email that Colorado sends to lawyers who change practice settings. One goal of this NOBC Proactive Regulation FAQ document is to encourage regulators to share ideas and experiences with one another.

12.5 * Some might oppose proactive regulation out of the belief that it will be too burdensome for lawyers or too intrusive into law firm practices.

Response: It is certainly possible to design a proactive regulatory system to which this criticism would apply. A regulator who adopts a proactive approach will undoubtedly want to consider the issue of "proportionality" and make sure the burdens being imposed are appropriate. (This is why Nova Scotia has a Triple P regulatory system – it is committed to regulation that is proactive, principles, and proportionate.)

There are several additional steps that regulators could take to address this concern, beyond a sensitivity to proportionality that should always be present. For example, when PMBR regulation was adopted in New South Wales, Australia, the regulators were on record as stating that they were trying to change their relationship with lawyers. They wanted to be seen as a partner who could provide lawyers with assistance and help, rather than simply as an "enforcer" who showed up after problems arose. The regulators in several Canadian jurisdictions are also attempting to offer services to lawyers proactively and to have lawyers recognize that the regulators, like the lawyers, would prefer to avoid problems and want to work with the lawyers proactively to prevent problems from occurring. They are trying to change the relationship so that they are recognized as partners who can help lawyers (which helps clients).

Another response to the concern about burden or intrusiveness might focus on the concept of risk-based regulation. Many jurisdictions that are pursuing more proactive approaches to lawyer regulation are pursuing a more risk-based approach to lawyer regulation. A risk-based approach means that resources are targeted to the areas where they are most likely to be needed. Colorado, for example, does not send its law practice management resource email to lawyers who leave government practice and join an extremely large law firm. Illinois' new Rule 756(e) that requires a self-assessment every two years from lawyers who do not carry malpractice insurance. Unlike lawyers who carry insurance, uninsured lawyers may not obtain practice management advice from malpractice carriers. Moreover, injured persons may be more at risk when lawyers do not carry malpractice insurance if the uninsured lawyers do not possess nonexempt assets to pay damages in the event of a malpractice claim. A number of jurisdictions outside the U.S. have made a commitment to a risk-based approach to regulation. Among other reasons, a risk-based approach can be a more effective way for an organization to deploy limited resources.)

12.6 *Some might oppose proactive regulation, arguing that there is a conflict of interest between the regulator's discipline mission and a proactive regulation approach.

Response: In the view of the authors of this FAQ, there isn't an inherent conflict between trying to prevent problems before they occur (e.g., by helping lawyers establish separate accounts for client and lawyer funds and setting up an office system regarding the operation of those funds) and disciplining lawyers after-the-fact if they engage in improper behavior (e.g., by commingling or stealing client funds). The goal of both proactive measures and a reactive discipline systems is to further a jurisdiction's regulatory objectives of client and public protection. Both proactive and "reactive" methods can advance those goals. Regulators considering proactive regulation, however, should, however, be sensitive to these concerns when designing their systems.

13. Is there anything else that might be helpful to read?

The authors of this Proactive Regulation FAQ decided not to repeat in this document the same information about jurisdictional developments that appears in the NOBC Entity Regulation FAQ document. The authors also chose not to repeat in this document the information summarizing the *process* that has been used by jurisdictions that have made or are considering these changes and the recommendations in that document for jurisdictions that want to consider changes. Thus, individuals and jurisdictions who are interested in proactive regulation likely will find it helpful to read the NOBC's Entity Regulation FAQ document, which is found on the NOBC's Global Resources webpage. See <https://www.nobc.org/index.php/jurisdiction-info/global-resources/entity-regulation>. Some of the potential critiques of proactive regulation (and the responses to those critiques) are included in the Proactive Regulation law review article cited in note 1. Thus, useful resources for those who want to pursue this topic include the NOBC's Entity Regulation FAQ and the Proactive Regulation 4-page blog post and the longer law review article. Regulators and others interested can also consult a 2016 article written by Professor Fortney, *Designing and Improving a Systems of Proactive Management-Based Regulation to Help Lawyers and Protect the Public*.²¹ Drawing on data that she obtained in her empirical study of lawyers who completed the self-assessment process, the article discusses respondents concerns and outlines recommendations for persons interested in improving and designing PMBR systems.²²

In addition to these resources, Appendix A to this document lists a number of additional websites, articles, and other resources. Appendix B identifies a variety of proactive measures and identifies jurisdictions that are using these measures. We encourage you to contribute to Appendix B by providing examples of proactive regulation in your jurisdiction. Please send that information to the NOBC Proactive Regulation Committee Chair Jim Coyle at j.coyle@csc.state.co.us.

²¹ Susan Saab Fortney, *Designing and Improving a Systems of Proactive Management-Based Regulation to Help Lawyers and Protect the Public*, JOURNAL OF THE PROFESSIONAL LAWYER (2016), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2812906.

²² *Id.* See also Terry, *Proactive Regulation*, *supra* note 1, at 788-797 (Appendix 4 contains examples of the self-assessment forms from New South Wales, Australia, the Canadian Bar Association, Nova Scotia, and Colorado).

Appendix A

Webpages:

ABA Center for Professional Responsibility webpage (forthcoming)

NOBC Global Resources Webpage, See <https://www.nobc.org/index.php/jurisdiction-info/global-resources>

Nova Scotia Barristers' Society, MSLEP Webpage, <http://nsbs.org/management-systems-ethical-legal-practice-mslep>

Colorado PMBR Subcommittee Webpage,
<http://www.coloradosupremecourt.us/AboutUs/PMBRMinutes.asp> (in addition to links to Colorado and U.S. materials, this webpage includes links to the relevant portals of all of the Canadian provinces)

Law review and other articles focusing on proactive regulation:

Laurel S. Terry, *The Power of Lawyer Regulators to Increase Client & Public Protection Through Adoption of a Proactive Regulation System*, 20 LEWIS & CLARK L. REV. 717 (2016) (traditional law review article about proactive regulation that includes a discussion of developments around the world through May 2016; the appendices include examples from the various lawyer self-assessment forms that have been developed)

Laurel S. Terry, *When it Comes to Lawyers, Is an Ounce of Prevention Worth a Pound of Cure?*, JOTWELL (July 13, 2016) (4 page blog post about proactive regulation and recent developments), <http://tinyurl.com/Terry-proactive-Jot>

Law review and other articles focusing on PMBR:

Susan Saab Fortney, *Designing and Improving a Systems of Proactive Management-Based Regulation to Help Lawyers and Protect the Public*, JOURNAL OF THE PROFESSIONAL LAWYER (2016) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2812906

Susan Saab Fortney, *Promoting Public Protection through an "Attorney Integrity" System: Lessons from the Australian Experience with Proactive Regulation System*, 23 PROF. LAW. 16 (2015) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2906525

Susan Saab Fortney, *The Role of Ethics Audits in Improving Management Systems and Practices: An Empirical Examination of Management-Based Regulation of Law*, 4 ST. MARY'S J. LEGAL MAL. & ETHICS 112 (2014) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2375219 (after examining study findings and recommendations related to the effects of the self-assessment process, the article examines how features of management-based regulation may be integrated into lawyer regulation in the U.S. and how regulators, insurers, and bar leaders can create incentives encouraging lawyers and firms to examine and improve their management systems and practice controls).

Susan Fortney & Tahlia Gordon, *Adopting Law Firm Management System to Survive and Thrive: A Study of the Australian Approach to Management-Based Regulation*, 10 U. ST. THOMAS L.J. 152 (2012), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205301 (examining the results of an empirical study on PMBR in New South Wales and recommending an agenda for regulators, insurers, professional associations and researchers).

Susan Saab Fortney, *Preventing Legal Malpractice and Disciplinary Complaints: Ethics Audits as a Risk-Management Too*, BUSINESS LAW TODAY, March 2015 (ethics column).

Ted Schneyer, *The Case for Proactive Management-Based Regulation to Improve Professional Self-Regulation for U.S. Lawyers*, 42 HOFSTRA L. REV. 233 (2013).

Ted Schneyer, *On Further Reflection: How "Professional Self-Regulation" Should Promote Compliance with Broad Ethical Duties of Law Firm Management*, 53 ARIZ. L. REV. 577 (2011).

Law review and other articles with a broader focus:

Amy Salyzyn, *From Colleague to Cop to Coach: Contemporary Regulation of Lawyer Competence*, 94 CANADIAN BAR REVIEW __ (2017) (forthcoming) (Over the last several decades, Canadian law societies have significantly expanded their regulatory reach in relation to the post-entry competence of lawyers. In this article, a novel framework is proposed to trace the path to this current state of affairs: specifically, four different "waves" or models are identified. It is argued that the current approach represents a positive material regulatory shift towards focusing on the public interest as opposed to lawyer interests, which had dominated historically. At the same time, issues of transparency, expertise and costs remain of concern. The Hybrid Model approach embodied in new entity-based regulatory initiatives now under consideration is identified as one way to address these concerns. However, both the process used to implement such a model and the model's ultimate content will be key determinants of its success in any given jurisdiction.)

Amy Salyzyn, *What if We Didn't Wait? Canadian Law Societies and the Promotion of Effective Ethical Infrastructure in Canadian Legal Practices*, 92 CAN. BAR. REV. 507 (2015). (This article explores whether and how law societies might become more active in promoting effective ethical infrastructures within Canadian law practices. The case presented in this article for expanded law society involvement in the ethical infrastructures of Canadian law practices is three-fold: (1) there are reasons to believe that these infrastructures could, as a general matter, be improved; (2) this improvement would, in turn, lead to improved outcomes in relation to lawyers' ethical duties; and (3) current law society regulatory efforts are not optimally situated to assist with this improvement. Stated otherwise, law societies should become more involved in the ethical infrastructures of Canadian law practices because neither the market nor current regulatory efforts are effectively addressing this important aspect of law practice.)

Laurel S. Terry, *Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken*, 43 HOFSTRA L. REV. 95, 128, n. 142 (2014) (suggesting the idea of using Rule 5.1 to achieve PMBR even in the absence of entity regulation).

Laurel S. Terry, *Why Your Jurisdiction Should Consider Jumping On The Regulatory Objectives Bandwagon*, 22(1) PROF. LAW. 28 (Dec. 2013). (This article is a 15 page version of the Terry/Mark/Gordon 2012 regulatory objectives article. It is targeted to state supreme courts and lawyer regulators in the United States.)

Laurel S. Terry, Steve Mark, Tahlia Gordon, *Adopting Regulatory Objectives for the Legal Profession*, 80 FORDHAM L. REV. 2685 (2012). (This article provides a thorough treatment of regulatory objectives in a number of jurisdictions. It includes a discussion of the different methods by which lawyers are regulated (e.g., legislation, court rules, law society bylaws); legislative history, and an analysis and comparison of the regulatory objectives in a number of jurisdictions. The regulatory objectives from a number of jurisdictions are included as appendices.)

Laurel S. Terry, *Trends in Global and Canadian Lawyer Regulation*, 76 SASKATCHEWAN L. REV. 145 (2013). (This article uses the “who-what-when-where-why-and-how” structure developed in the 2012 Terry/Mark/Gordon “Trends” article to analyze Canadian lawyer regulation developments.)

Laurel S. Terry, Steve Mark, Tahlia Gordon, *Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology*, 80 FORDHAM L. REV. 2661 (2012). (This “Trends” article uses a “who-what-when-where-why-and-how” structure as a means to discuss global lawyer regulation developments around the world. Although many jurisdictions combine these developments, it offers a means to analyze the issues separately and compare regulatory approaches in different countries.)

See also <http://tinyurl.com/laurelterryslides> (includes links to presentation slides, organized by topic) and http://works.bepress.com/laurel_terry/ (contains links to articles on a number of issues related to globalization and the legal profession, including foreign lawyer mobility provisions, a comparative analysis of UPL/lawyer monopoly provisions in countries, interest in the legal profession by antitrust authorities, EU regulation of lawyers (the most recent analysis is found in the Bologna Process articles), trade agreements’ application to legal services, FATF and “gatekeeper” issues, and transnational legal practice year-in-review articles, among other topics).

(1) Adam Dodek, “Regulating Law Firms in Canada” (2011) 90 CANADIAN BAR REVIEW 383 (arguing that Law Societies should regulate law firms. They should do so primarily on the basis of ensuring public confidence in self-regulation and respect for the Rule of Law and only secondarily out of concerns regarding public protection.)

Board of Governors Meeting
WSBA Conference Center
Seattle, WA
May 17-18 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. March 8, 2018, Public Session Minutes449

b. March 19, 2018, Special Meeting Public Session Minutes457

c. April 6, 2018, Special Meeting Public Session Minutes461

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Public Session Minutes

Olympia, WA

March 8, 2018

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Brad Furlong on Thursday, March 8, 2018, at 1:15 p.m., at Hotel RL, Olympia, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
James K. Doane (phone)
Angela M. Hayes
Kim E. Hunter
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 President-elect Bill Pickett, Immediate Past-President Bill Hyslop, 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.

COMMITTEE ON PROFESSIONAL ETHICS (CPE) RECOMMENDATION RE AMENDMENTS TO THE LAWYER ADVERTISING RULES (RPC TITLE 7)

Governor Bridges moved to approve the CPE recommended amendments to Lawyer Advertising Rules (RPC Title 7) as contained in the meeting materials for submission to the Washington

Supreme Court as suggested amendments. Motion passed unanimously. Governors Doane and Tollefson were not present for the vote.

PROPOSED WSBA BYLAW CHANGES TO CONFORM WITH RECENT COORDINATED SYSTEMS ADMISSION AND PRACTICE RULES (APR) AMENDMENTS

Governor Bridges moved to approve the suggested amendments to the WSBA Bylaws as contained in the meeting materials that are intended to align the Bylaws with the recently amended APRs. Motion passed unanimously. Governors Doane and Tollefson were not present for the vote.

CONSENT CALENDAR

- a. January 18-19, 2018, Public Session Minutes
- b. February 15, 2018, Special Meeting Public Session Minutes

MEMBER AND PUBLIC COMMENTS

James MacPherson urged the Board to survey the WSBA members to ascertain whether there is interest in group health insurance for lawyers. He suggested forming a small committee to formulate questions and to collect and report on feedback.

Jean Cotton emphasized that health insurance is important for lawyers and also urged the Board to form a small committee in order to complete the survey quickly. Executive Director Littlewood advised that staff is currently exploring the marketplace. President Furlong asked for a structure to be in place by the May 17-18, 2018, Board meeting and for those willing to participate to let Executive Director Littlewood know.

WSBA EXPENSE REIMBURSEMENT POLICY AMENDMENT – Governor Kim Risenmay, Treasurer, and Ann Holmes, Chief Operations Officer

Treasurer Risenmay reviewed the background of the proposed amendment to eliminate the three-hour meeting and 50-mile one-way requirements for expense reimbursement of non-chair WSBA volunteers as set forth in the WSBA Fiscal Policies and Procedures. After considering the proposed amendment, as well as input from sections and other board and committee members, the Committee recommends that the Board approve the proposed

amendment to the WSBA volunteer expense reimbursement policy. Treasurer Risenmay stated that it is not possible to predict with certainty what the fiscal impact of the amendment will be; however, costs are running below budget this year and this change should not be a problem. The board agreed that the proposed amendment is a good change. Governor Hunter moved to approve the proposed amendment that eliminates the time and geographic parameters for reimbursement of all non-chair WSBA volunteers. Motion passed unanimously. Governors Doane and Tollefson were not present for the vote.

PROPOSED FY2018 BUDGET AMENDMENT – Governor Kim Risenmay, Treasurer, and Ann Holmes, Chief Operations Officer

Treasurer Risenmay provided background and an overview of the proposed amendment to increase the FY2018 salary line by \$138,085, as recommended by the Budget and Audit Committee, in order to address market compensation issues identified in the market compensation study. The amendment represents a very small adjustment to the FY2018 budget and will not have an adverse impact on reserves. WSBA's compensation philosophy is to compensate staff at the midpoint of the Seattle market for comparable positions in comparable organizations. The study identified that some positions are under market – some significantly so. Discussion ensued about the meaning of “comparable organization” examined in the study, the size of the amendment vis à vis the WSBA budget (less than 1%), the percent increase to compensation for affected positions, and the suggestion that market compensation would be lower if WSBA offices were not in Seattle. Governor Papailiou moved to approve the FY2018 budget amendment as recommended by the Budget and Audit Committee. Motion passed 13-0-1. Governor Doane abstained.

CONTINUED DISCUSSION OF REFERENDUM PROCESS WORK GROUP RECOMMENDATIONS – Governor Kim Risenmay, Chair, and Sean Davis, General Counsel

Chair Risenmay reported that the Work Group attempted to achieve three goals: (1) include all viewpoints; (2) provide total transparency; and (3) solicit and provide time for members to respond to any proposals before Board action. He noted that the Work Group members held thorough discussions and lively debates regarding the current referendum process, and votes on all recommendations were close. He then reviewed each of the recommendations and explained that decisions were not reached on requirements for the number referendum

petition signatures or on the percentage of members required to bring a referendum or to vote in a referendum. Discussion ensued regarding the importance of members having the opportunity to give their feedback to the Washington Supreme Court before the Court makes a decision on the reasonableness of license fees; and the deadline for filing a referendum be counted from the day the membership is advised of the Board's action rather than the actual date the Board took the action.

President-elect Pickett reminded the Board and those in attendance that the Court ruled that not only was the fee reasonable, but that the alternate proposed fee was unreasonable. He noted that the amount of time that was spent on discussing and developing the recommendations was staggering and that the right of members to give their input is at the beginning of the process and while the process is ongoing, not at the end once the decision has been made, otherwise the result is chaos, poor process, and poor governance. He emphasized that no rights are being taken away, rather the issues are where and at what time the members exercise their rights. Immediate Past-President Hyslop stated that members are encouraged to participate and it is their choice whether to participate and when. He noted that it is too damaging to an organization of this size for a small group of members to have the power to gut the budget. President Furlong encouraged the Work Group to consider a process that formalizes the notice and comment provisions with respect to the actions of the Board, especially the budget. He reminded the Board that it would be untenable for the organization to be crippled with budget cuts to the point where it cannot support the programs the Court has stated the organization must run. He concluded by stating that this conversation would be continued at a later meeting.

PROPOSED RESPONSE FROM LAW CLERK BOARD RE SUGGESTED AMENDMENTS TO Admission and Practice Rules (APR 6)

Governor Majumdar moved to approve the Law Clerk Board submission to the Court in response to proposed suggested amendments to APR 6. Motion passed 12-0-1. Governor Doane was not present for the vote.

INVITATION FROM ACCESS TO JUSTICE (ATJ) BOARD TO JOIN THE RACE AND EQUITY JUSTICE INITIATIVE – Hon. Laura Bradley, ATJ Board Member, and Diana Singleton, ATJ Board Manager

Judge Bradley reviewed the background of the initiative and noted that WSBA staff have been supportive in a number of ways. Manager Singleton referred the Board to the information contained in the meeting materials and explained that the Board is being asked to sign on and be a partner, which seems consistent with the current work of the Board. In answer to an inquiry, she replied that there would be no monetary commitment. Governor Majumdar moved to approve the request that the Board and WSBA join the Washington Race and Equity Justice Initiative and sign onto the Acknowledgements and Commitments. Motion passed unanimously. Governor Doane was not present for the vote.

PROPOSED WSBA BYLAW AMENDMENT RE WSBA PRESIDENT ROTATION

President Furlong introduced this item and requested the Governors share their thoughts regarding the proposed Bylaw amendment. Discussion ensued regarding other areas of Washington state besides Eastern Washington feeling underrepresented as far as having a President elected from their area; assembling a work group to review the proposed amendments more thoroughly; reinstituting the Eastern Washington/Western Washington excluding King County/King County rotation that was used prior to 1993; notifying members of the proposed amendments so they can weigh in; considering the whole issue of underrepresentation, not just geographic underrepresentation; and the recent anomaly regarding the last three out of four Presidents being elected from Eastern Washington. Governor Stephens suggested setting up a work group to consider the rotation issue for future years and whether a second-year Governor, any sitting Governor, or a non-Board member should be elected as President.

Governor Hayes responded to a statement that it was unfair that she and Governor Clark sent an email to Districts 4 and 5 requesting feedback on the matter of the President Rotation by stating that in no way was it unfair for them to communicate with their Districts as that is what Governors are responsible for doing and that no other Governor was stopped from communicating with their respective Districts. As she stated at the Board meeting in

Bellingham, no staff came to either her or Governor Clark offering to draft the email and send it on their behalf. She noted that even after she explained the occurrence of events at the Board meeting in Bellingham, someone still made an incorrect comment on the evaluation. She apologized that her wording on the email that was sent to their two Districts was not the best. At the end of the meeting, Governor Hunter made a formal apology to Governor Hayes and noted that she meant that she did not think it was fair that the email did not go to all WSBA members.

Governor Bridges moved to adopt version three of the proposed Bylaw amendments as contained in the meeting materials. Governor Meserve moved to amend the motion to add language that specifies that a current member of the Board would not be eligible to run for President-elect. Discussion ensued regarding forming a work group; not rushing into a decision about this important Bylaw change; the importance of looking at the Bylaws holistically rather than piecemeal; electing another President-elect from Eastern Washington this year not getting to the purpose of this particular Bylaw since the intent was to create geographic diversity and the last three Presidents have been from Eastern Washington; eliminating the appearance of any self-dealing; and the discomfort of running for the office of President-elect while still on the Board. Governor Meserve's motion to amend failed 11-3. Governor Bridges' motion passed 8-7. The original vote was 7-7; the tie was broken by President Furlong. Later in the meeting, General Counsel Davis requested clarification since version three adds a year to the rotation, resulting in the President-elect coming from Eastern Washington every fifth year rather than every fourth year. Governor Bridges moved to make version three consistent with the current rotation time period, so that the result would be that the President-elect would come from Eastern Washington every fourth year. Motion passed unanimously.

Governor Bridges moved to approve the work group proposed by Governor Stephens. Governor Hayes moved to amend the motion so that confirmation of the work group members appointed by President Furlong will be on the agenda and action will be taken at the next Board meeting. Motion passed 13-0-1. Governor Doane abstained.

FY2018 PERSONAL GOALS FOR THE EXECUTIVE DIRECTOR

It was decided in Executive Session to vote on the FY2018 Personal Goals for the Executive Director in Public Session. Governor Papailiou moved to ratify the FY2018 Goals for the Executive Director as contained in the Executive Session materials. Motion passed unanimously.

APEX AWARDS DINNER FORMAT – Sara Niegowski, Chief Communications and Outreach Officer; Jennifer Olegario, Communications Strategies Manager; and Sanjay Walvekar, Outreach and Legislative Affairs Manager

Chief Communications and Outreach Officer Niegowski provided an overview of WSBA's annual awards event, the APEX dinner, which honors Washington legal luminaries in multiple categories. Referring to information contained in the meeting materials, she explained that the general vision for the APEX Awards encompasses looking at the profession from a statewide perspective, upholding the WSBA Mission, and showing what integrity looks like in action. Discussion ensued regarding this year's event, the purpose, and the financial details. Officer Niegowski advised that the event is a balancing act with three parts: the awards; the swearing-in of the new President and Governors; and raising money for the Washington State Bar Foundation. She noted that the WSBA team attempts to accomplish each part as meaningfully as possible in the time allotted. As for the financials this year, she reported that the goal is to make the dinner itself as cost-neutral as possible while raising between \$50,000 and \$75,000 for the Foundation. Various Governors recommended making the event as appealing and as festive as possible for the WSBA membership and continuing to include the three main parts of the program while keeping the event as short as possible. Chief Niegowski concluded by encouraging Governors to nominate members for awards and to bring their own associates and friends/family to the event.

Further discussion ensued regarding how to attract more people to the Dinner in a financially sustainable fashion; how to use the event to generate more funds for the Foundation; decreasing the number of people comp'd at the Dinner; increasing the number of paying attendees; removing the swearing-in ceremony from the event; not making the Dinner a profit-making event; focus on the amount of expense for the event rather than how much the Dinner loses each year; the additional expenses of attending the Dinner other than the cost of the

tickets; and obtaining more sponsors. Executive Director Littlewood explained that in the wake of the referendum, the Board made the deliberate decision to continue subsidizing the event.

Chief Communications and Outreach Officer Niegowski reminded the Board that it had asked staff to put all sponsorships into the Foundation and that Chief Development Officer Nevitt had provided a possible fundraising goal of \$50,000-\$75,000. She asked the Board for direction regarding the shape and feel they want for the Dinner and noted that it could be in a different space and could look different, but it will lose some of the elements. She reminded the Board that nominations are open and urged the Board to start nominating people, and to start seeing themselves as the host of the event as well as a participant in the event.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 5:20 p.m. on Thursday, March 8, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

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 suggested the following refinements and clarifications: (1) that detailed Minutes, separate from the Pro and Con Report, be kept for each Work Group meeting, with a record of voting for each individual by name on each motion, including the person who made the motion and the person who seconded the motion; (2) 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 (e) that the Pro and Con Reports of the Work Group 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 expressed concern that any action the Board takes 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 cannot 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

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

April 6, 2018

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 (by videoconference) on Friday, April 6, 2018, at 2:25 p.m. at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark (phone)
James K. Doane (phone)
Angela M. Hayes
Kim E. Hunter (phone)
Jean Y. Kang
Rajeev D. Majumdar
Athan P. Papailiou
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 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, and Chief Communications and Outreach Officer Sara Niegowski. Governors Chris Meserve and Kim Risenmay were not present.

President Pickett welcomed governors, guests, and staff to the Special Meeting. The meeting was called to take action on the Action Plan for Proposed Bylaw Amendments (Action Plan) proposed by Governors Bridges and Majumdar, which was heard on first reading at the March 19, 2018, Special Meeting. Noting the importance of transparency and input, President Pickett

acknowledged the feedback already received from former WSBA Presidents and others, and advised the in-person and telephone audiences that the Board would hear their comments before considering the Action Plan and that he would entertain a motion to extend the meeting to ensure that everyone had the opportunity to share their perspectives with the Board.

Governor Bridges noted that the Special Meeting was called to consider the process included in the Action Plan, not to debate the merits of the three new Board seats. President Pickett stated that the process in the Action Plan included consideration of whether or not to delay implementation of the three new Board seats, that it was important to hear what the guests had to say, and that wide latitude would be given so that people had the opportunity to speak.

Guests expressed a range of views, including: concern that the decision to add limited license and public members to the Board, after a four year deliberative process and Supreme Court approval, not be re-opened or delayed; the importance of including the diverse voices of limited license and public members on the Board; the current Board's responsibility to make its own decisions and not be bound by the decisions of past Boards; and the dedication of lawyers in caring for the profession and helping the public.

Governor Majumdar moved to extend the meeting. Motion passed unanimously. Additional views expressed included: concern that WSBA does not support its lawyer members and that limited license members are hurting the profession; concern that the training, qualifications, motivations, and value provided to the public by limited license members are not understood and that these members do not diminish the value and importance of lawyers; appreciation that limited license members enhance the public's access to justice; recognition that when compared to other professional governance bodies, the Board's lack of public members is an anomaly in the United States, that the practice of law is rapidly changing, and that the Board needs to be forward looking; concern that delay in filling the new seats would be a step in the wrong direction and would look terrible to the Court and the public; the importance of giving limited license members a right to a voice as any other member of the Bar; that limited license members' voting power should be limited to issues concerning their specific practice; that

giving a dedicated seat to limited license members is disproportionate to representation on the Board given to lawyer members; and that the three new positions represent best practice and should be implemented.

Governor Papailiou moved to exclude consideration of the three new seats from the Action Plan on the grounds that the Action Plan is not a process, but a means to an end; is anti-Limited License Legal Technician (LLLT), anti-public, anti-access to justice, and anti-diversity; and is contrary to a Supreme Court order. Several governors expressed disagreement with his perspective. Motion failed for lack of a second.

Governor Bridges advocated that the Action Plan be approved as presented as it was not substantive but procedural; does not exclude limited license professionals from serving on the Board; allows public members to serve staggered terms; and was prepared after several Supreme Court justices shared with the Board that the Board could develop a process to consider these issues.

Governor Tollefson moved that the Action Plan be amended to include only the Bylaw amendments relating to the three new governor positions, and that all other bylaw amendments be put on for action at the May 17-18, 2018, meeting. Discussion ensued regarding a range of topics, including: governance concerns relative to the remaining Bylaw amendments to be addressed by the Work Group; the wisdom of considering all proposed Bylaw amendments together; the purpose of having another group study issues that have already been reviewed extensively; the impact of increasing the Board's size to 17; the unclear role of the proposed Work Group; and the misconception that WSBA Governors, who are voted in by a very small percentage of eligible voters, were elected to represent their constituents. Following discussion, President Pickett called the question. Motion passed 11-0-1. Governor Papailiou abstained. Governor Tollefson's motion passed 9-3.

Governor Stephens moved that the Board appoint 21 members to the Work Group identified in the Action Plan, who shall represent various interests including lawyers, limited license

members, and community members. Discussion ensued about whether the Work Group would be more accountable if members were appointed, or open to anyone as contemplated in the Action Plan. Governor Swegle called the question. Motion passed 10-1-1. Governor Clark abstained. Governor Stephens' motion tied 5-5-2. Governors Kang and Clark abstained. President Pickett broke the tie in favor of the motion. Motion passed 6-5-2.

Governor Papailiou moved to remove language in the Action Plan holding in abeyance the onboarding of all three new Governor seats. Motion died for lack of a second. He then moved to remove language in the Action Plan holding in abeyance the onboarding of the two public member positions. Governor Swegle called the question. Motion passed 11-1. Governor Papailiou's motion failed 2-9-1. Governor Stephens abstained.

Governor Stephens moved to approve the Action Plan as amended, with a Work Group of 21 persons appointed and representing various interests, which shall address proposed Bylaw amendments relating to the three new governor positions. Motion passed 11-0-1. Governor Majumdar abstained. President Pickett advised that he would inform the Supreme Court of actions taken by the Board at this meeting. Governors Stephens, Bridges, and Majumdar agreed to work with President Pickett regarding appointments to this Work Group.

ADJOURNMENT

There being no further business, the Special Meeting Public Session was adjourned at 6:12 p.m. on Friday, April 6, 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

May 10, 2018

Congratulations to WSBA's New Governors-elect

Congratulations to our four new Governors-elect who will be sworn in at the WSBA APEX Awards Dinner on September 27, 2018:

- Michael Cherry, 1st District
- Dan Clark, 4th District
- Peter J. "PJ" Grabicki, 5th District
- Jean Kang, 7th South District

The district elections this year attracted a total of fifteen candidates for four positions. Pre-election outreach once again resulted in multiple candidates declaring for the four open positions, with three members vying for the District 1 seat, one for the District 4 seat, four for the District 5 seat, and five for the District 7 South seat. The WSBA held a Candidates' Forum again this year, moderated by past-president Anthony Gipe; candidates explained why they were running and answered questions that were submitted by WSBA members. When deciding who to vote for, members could watch the forum and read other information about the candidates posted on the WSBA website.

Turnout was lower than in recent years except for District 5, which set an all-time high: 14.79% overall with a breakdown of 13.56% in District 1, 25.9% in District 5, and 10.29% in District 7 South. Prior-year turnouts include 16.2% in 2017, 21.4% in 2016, 18.4% in 2015, 16.5% in 2014, and 21.7% in 2013.

The 2018-2021 At-Large (New and Young Lawyers) Governor and 2018-2019 President-elect will be selected at this BOG meeting.

Western States Bar Conference

The president, one governor, and I attended the Western States Bar Conference at the end of March. The Conference brings together the officers, board members, and executive directors from the 15 bar associations that are located roughly from the Mississippi River west. The four-day conference provides an opportunity for the various bars to share highlights of issues they are working on and to discuss matters of mutual interest and concern.

WSBA is in its third year of being the facilitating bar for the Western States Bar Conference, so Kara Ralph, our Events and Sponsorships Specialist, also attended. Facilitation of the Conference rotates among member state bars and Washington had not staffed the conference since the 1970s. All expenses for Kara and Paula were covered by the Western States Bar Conference.

The programming over the four days highlighted a number of issues facing our profession as well as issues we face as bar associations. The Conference theme this year was “Restoring Trust in Our Institutions.” The Conference commenced with a presentation on the Trust Barometer administered by the communications organization Edelman every year. The 2017 Edelman Trust Barometer revealed that “trust is in crisis” with major declines in four key societal institutions — business, government, NGOs, and media. And the 2018 survey reveals a world of stagnant distrust in which 50 percent of the general US population is no longer looking to media for information. Other panels focused on the shifting landscape for integrated, mandatory bars; various states’ experiences in implementing RPC 8.4 (g) (a rule designed to prohibit discrimination and harassment not only in the practice of law but also in conduct related to the practice of law; Washington has had a similar rule for more than twenty years); and a showcase of efforts in the Western region to enhance public trust and confidence in the court system.

As always, the roll call of the states, where each state takes five minutes to highlight major issues and activities going on in their state, was highly informative, and the session where large bar associations get together to share issues and ideas on Friday morning was engaging and productive as usual. A HUGE thank you to Kara for the incredible amount of work it took to produce such an engaging and seamless conference!

Progress Continues on Exploring Possible Health Care Benefit for Members

Over the last few months our Member Services and Engagement Team has been working with Governor Kim Hunter to better understand the health care market affecting our members and any role the bar association might be able to play in supporting them. As part of their research, the team has connected with the Nebraska State Bar Association, the State Bar of Texas, the Washington State Office of the Insurance Commissioner, a local insurance broker, and Member Benefits, Inc. Everyone we talked with agreed that insurance is expensive and often inadequate in terms of coverage and flexibility. This difficulty seems particularly true for individuals and small employers who cannot take advantage of the competition that occurs in the large group (51+ employees) market.

The State Bar of Texas, which is an integrated bar like WSBA, has contracted with the family-owned Florida company, Member Benefits, Inc., to create a private insurance exchange for its 98,000 members. Texas does not have a state-run exchange. According to Member Benefits, Inc., private exchanges can be perceived as less risky than state and Federal exchanges and, as a result, insurance companies can be willing to offer insurance products that are of better value. There is no cost to the bar to set up a health insurance exchange with Member Benefits, Inc., as they earn their revenue through commission. In addition, as with other member benefit offerings, Member Benefits, Inc., can offer the bar royalties to help cover the bar’s cost to administer the program. In contrast, the Nebraska State Bar Association, a voluntary association, is working to create a Multiple Employer Welfare Arrangement (MEWA). A MEWA allows individual employers to form a group for the purposes of seeking health insurance. The idea is that if the group is large enough, it can attract a more competitive health insurance product for its members than if they were to shop on the individual or small group (1-50 employees) market. Nebraska has not yet fully executed this plan and, while they believe that the MEWA will be able to include a true solo practitioner with no employees, there is some regulatory uncertainty. Setting up a MEWA would require engaging the services of an

attorney. Our team plans to continue discussions with Member Benefits, Inc., and submit a recommendation to the Board for consideration at a future meeting.

Update on Rule Drafting for Coordinated Discipline System

Since the Supreme Court approved the coordinated discipline system in concept in July 2017, an internal workgroup (composed of staff from the Office of Disciplinary Counsel, the Office of General Counsel, and the Regulatory Services Department) has focused on preparing a comprehensive draft of coordinated disciplinary procedural rules based on the existing disciplinary procedural rules for Washington's three license types.

The purpose of the drafting group is to manifest the approved concept for a coordinated system in the form of a workable set of rules, with the following primary objectives: (1) to merge the procedures for the three license types into a single system; (2) to handle designated regulatory hearings using the adjudicative component of the system; (3) to professionalize in part the adjudicative component of the system in an entity to be known as the Office of the Regulatory Adjudicator (ORA) while preserving a meaningful adjudicative role for volunteers; and (4) to improve the efficiency, effectiveness, and clarity of the procedural rules.

The drafting phase of the project commenced on July 17, 2017, shortly after the Supreme Court's approval of the system in concept. Since that date, the team as-a-whole has met every other week, with meetings scheduled for full days since December 18, 2017. The coordinated system project has provided an opportunity for in-depth evaluation and revision of the rule set and the system as a whole. Ultimately, this process will lead to a more effective, streamlined, and understandable discipline system as anticipated, but the process of rule-by-rule analysis and revision has slowed the drafting process and extended the forecasted completion timeline.

The next step is to prepare a single-document, comprehensive draft of all titles for circulation internally and to designated stakeholder representatives, who will meet with the team and share feedback and suggestions. Staff also plans to provide a status update to the regulatory boards, the Chief Hearing Officer, and the Disciplinary Advisory Round Table. We expect the draft rule set will come to the Board for review and approval to send onto the Supreme Court in FY 2019.

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)

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director

Paula C. Littlewood, Executive Director

ACTIVITY REPORT

Paula C. Littlewood

March 9, 2018 – May 18, 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

Legal Community Leaders	10
WSBA Members	5
Meeting with Andrew Maron & Seamus Woulfe, Attorney General of the Republic of Ireland at King County Bar Association	March 14
New Lawyers and Law Students	2
Other	1

WSBA- and BOG-Related Meetings:

BOG District Election Certification and Follow-up Calls	April 2
BOG District Run-off Elections Certification and Follow-up Calls	April 20
BOG Executive Committee Meeting	April 26
BOG Meeting	May 17-18
BOG Meeting with Supreme Court	March 9
BOG Personnel Committee Meeting	April 23
BOG President Weekly Calls	10
BOG Special Meeting	March 19
BOG Special Executive Session Meeting	March 29
BOG Special Meeting	April 6
Limited License Legal Technicians	2
LLLT Board Meeting with the Supreme Court in Olympia	April 4

Practice of Law Board Meeting with the Supreme Court in Olympia	April 5
Washington State Bar Foundation Executive Committee Conference Call	March 12
WSBA Budget and Audit Committee Meeting	April 26
WSBA Section Leaders Spring Meeting	April 30
Other	5

Staff-Related Meetings:

All-Managers Meeting	March 13
All-Staff Meeting	March 20
Coffees with New Staff	8
Executive Management Team Meetings	10
Future of the Profession Presentation to Staff	April 2
New Hires Lunch	May 2
S.A.F.E. (Staff Advocacy Forum for Employees)	May 10
Staff Annual Party	May 11
Staff Service Awards	March 28
Weeklies with Staff Direct Reports	43
Other	7

National/International-Related Meetings:

Institute for the Advancement of the American Legal System (IAALS) Board Meeting in Denver (funded by host)	April 19-20
IAALS Conference Calls	2
International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Calls	2
Western States Bar Conference (WSBC) in Santa Barbara (funded by WSBC)	March 20-24

Presentations

Presentation on LLLT License at Bar Review Symposium in Philadelphia (funded by host)	March 16
Professional Responsibility Presentation at University of Washington School of Law in Kimberly Ambrose' class with Allen Unzelman	March 27
Foundation for Practice at K&L Gates	April 3
Professionalism Presentation in Tom Fitzpatrick's Class at Seattle University School of Law with Allen Unzelman	April 17

Organizational Events

Center for Children and Youth Justice's Norm Maleng Advocate Breakfast	March 14
Northwest Consumer Law Center Reception	March 28
Admiral Michael Rogers NSA Reception	April 2
2018 Seattle University School of Law Woman of the Year Reception honoring Chief Justice May Fairhurst	April 4
University of Washington School of Law Presidential Powers Lecture at Davis Wright Tremaine	April 8
YWCA Lunch	May 15

WSBA Licensing Counts*

5/1/18 1:21:18 PM GMT-07:00

By Section **			All	Previous Year	By State and Province		By WA County		By Admit Yr	
Administrative Law Section			287	230	Alabama	26	Adams	14	1940	3
Alternative Dispute Resolution Section			392	380	Alaska	201	Asotin	24	1941	2
Animal Law Section			126	107	Alberta	9	Benton	288	1942	1
Antitrust, Consumer Protection and Unfair Business Practice			221	209	Arizona	325	Chelan	205	1944	1
Business Law Section			1,392	1,353	Arkansas	16	Clallam	133	1945	1
Civil Rights Law Section			216	139	Armed Forces Americas	3	Clark	648	1946	2
Construction Law Section			534	514	Armed Forces Europe, Middle East	26	Columbia	5	1947	6
Corporate Counsel Section			1,173	1,067	Armed Forces Pacific	18	Cowlitz	110	1948	8
Creditor Debtor Rights Section			559	580	British Columbia	93	Douglas	22	1949	18
Criminal Law Section			549	488	California	1,690	Ferry	11	1950	16
Elder Law Section			719	681	Colorado	238	Franklin	48	1951	27
Environmental and Land Use Law Section			845	833	Connecticut	50	Garfield	2	1952	27
Family Law Section			1,303	1,307	Delaware	4	Grant	95	1953	26
Health Law Section			424	384	District of Columbia	328	Grays Harbor	85	1954	29
Indian Law Section			346	325	Florida	237	Island	121	1955	20
Intellectual Property Section			999	958	Georgia	84	Jefferson	75	1956	40
International Practice Section			285	286	Guam	19	King	13,508	1957	32
Juvenile Law Section			226	200	Hawaii	138	Kitsap	620	1958	39
Labor and Employment Law Section			1,060	1,018	Idaho	405	Kittitas	67	1959	40
Legal Assistance to Military Personnel Section			109	103	Illinois	150	Klickitat	20	1960	32
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section			146	217	Indiana	34	Lewis	79	1961	29
Litigation Section			1,199	1,226	Iowa	28	Lincoln	12	1962	35
Low Bono Section			140	120	Kansas	29	Mason	77	1963	34
Real Property Probate and Trust Section			2,407	2,320	Kentucky	27	Okanogan	83	1964	42
Senior Lawyers Section			309	280	Louisiana	49	Pacific	21	1965	58
Solo and Small Practice Section			1,046	1,014	Maine	11	Pend Oreille	16	1966	62
Taxation Section			674	639	Maryland	116	Pierce	1,832	1967	65
World Peace Through Law Section			124	101	Massachusetts	79	San Juan	59	1968	96
					Michigan	68	Skagit	225	1969	106
					Minnesota	98	Skamania	10	1970	114
					Mississippi	4	Snohomish	1,258	1971	122
					Missouri	63	Spokane	1,447	1972	190
					Montana	165	Stevens	39	1973	285
					Nebraska	17	Thurston	1,323	1974	278
					Nevada	134	Wahkiakum	8	1975	341
					New Hampshire	8	Walla Walla	92	1976	417
					New Jersey	64	Whatcom	474	1977	411
					New Mexico	58	Whitman	64	1978	465
					New York	240	Yakima	382	1979	502
					North Carolina	73			1980	518
					North Dakota	9			1981	552
					Northern Mariana Islands	8			1982	529
					Nova Scotia	1			1983	567
					Ohio	69			1984	647
					Oklahoma	25			1985	459
					Ontario	14			1986	704
					Oregon	2,628			1987	618
					Pennsylvania	72			1988	591
					Puerto Rico	3			1989	622
					Quebec	1			1990	761
					Rhode Island	13			1991	756
					Saskatchewan	1			1992	753
					South Carolina	26			1993	790
					South Dakota	6			1994	813
					Tennessee	51			1995	826
					Texas	332			1996	767
					Utah	168			1997	862
					Vermont	19			1998	810
					Virginia	278			1999	852
					Virgin Islands	1			2000	865
					Washington	29,573			2001	931
					West Virginia	7			2002	1,004
					Wisconsin	45			2003	1,035
					Wyoming	18			2004	1,049
									2005	1,068
									2006	1,102
									2007	1,183
									2008	1,098
									2009	1,004
									2010	1,088
									2011	1,064
									2012	1,110
									2013	1,251
									2014	1,392
									2015	1,699
									2016	1,374
									2017	1,480
									2018	404

* Includes active, educational purposes, emeritus, house counsel, foreign law consultant, honorary, inactive, indigent representative, judicial, non-member emeritus, and military.

** 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.

*** Per WSBA Bylaws 'Members' include active, emeritus, honorary, inactive and judicial license types.

By Years Licensed**		By Firm Size		By Practice Area		By Languages Spoken	
Under 6	8,501	Solo	5,959	Administrative-regulator	2,313	Afrikaans	61
6 to 10	5,506	Solo in Shared Office or	1,734	Agricultural	230	Akan /twi	41
11 to 15	5,306	Government/ Public Secto	5,194	Animal Law	114	Albanian	21
16 to 20	4,350	In House Counsel	3,116	Antitrust	308	American Sign Langu	131
21 to 25	3,964	2-5 Lawyers in Firm	4,996	Appellate	1,671	Amharic	161
26 to 30	3,368	6-10 Lawyers in Firm	2,159	Aviation	166	Arabic	531
31 to 35	2,911	11-20 Lawyers in Firm	1,567	Banking	461	Armenian	61
36 to 40	2,441	21-35 Lawyers in Firm	949	Bankruptcy	1,099	Bengali	111
41 and Over	2,675	36-50 Lawyers in Firm	720	Business-commercial	5,387	Bosnian	81
		51-100 Lawyers in Firm	754	Civil Litigation	5,531	Bulgarian	131
		100+ Lawyers in Firm	2,339	Civil Rights	1,093	Burmese	21
				Collections	616	Cambodian	61
				Communications	235	Cantonese	941
				Constitutional	662	Cebuano	31
				Construction	1,365	Chamorro	41
				Consumer	814	Chaozhou/chiu Chow	11
				Contracts	4,356	Chin	21
				Corporate	3,604	Croatian	181
				Criminal	4,029	Czech	71
				Debtor-creditor	1,051	Danish	191
				Disability	713	Dari	31
				Dispute Resolution	1,396	Dutch	231
				Education	503	Egyptian	21
				Elder	977	Farsi/persian	571
				Employment	2,941	Fijian	11
				Entertainment	330	Finnish	71
				Environmental	1,342	French	6961
				Estate Planning-probate	3,645	French Creole	21
				Family	2,983	Fukienese	41
				Foreclosure	575	Ga/kwa	21
				Forfeiture	90	German	4301
				General	2,955	Greek	321
				Government	2,870	Gujarati	141
				Guardianships	941	Haitian Creole	21
				Health	988	Hebrew	381
				Housing	323	Hindi	871
				Human Rights	331	Hmong	11
				Immigration-naturaliza	1,045	Hungarian	131
				Indian	622	Ibo	51
				Insurance	1,789	Icelandic	21
				Intellectual Property	2,306	Ilocano	91
				International	959	Indonesian	101
				Judicial Officer	394	Italian	1531
				Juvenile	931	Japanese	2111
				Labor	1,193	Kannada/canares	41
				Landlord-tenant	1,399	Khmer	11
				Land Use	850	Kongo/kikongo	11
				Legal Ethics	296	Korean	2261
				Legal Research-writing	766	Lao	61
				Legislation	421	Latvian	61
				Litigation	4,678	Lithuanian	41
				Lobbying	176	Malay	31
				Malpractice	811	Malayalam	91
				Maritime	312	Mandarin	3371
				Military	384	Marathi	51
				Municipal	978	Mongolian	21
				Non-profit-tax Exempt	626	Navajo	11
				Not Actively Practicing	1,755	Nepali	31
				Oil-gas-energy	225	Norwegian	381
				Patent-trademark-copyr	1,341	Not_listed	301
				Personal Injury	3,446	Oromo	31
				Real Property	2,606	Other	231
				Real Property-land Use	2,393	Pashto	11
				Securities	828	Persian	221
				Sports	159	Polish	331
				Subrogation	102	Portuguese	1221
				Tax	1,361	Portuguese Creole	11
				Torts	2,206	Punjabi	561
				Traffic Offenses	752	Romanian	191
				Workers Compensation	755	Russian	2321
						Samoan	91
						Serbian	171
						Serbo-croatian	81
						Sign Language	231
						Singhalese	21
						Slovak	21
						Somali	11
						Spanish	1,7771
						Spanish Creole	91
						Swahili	31
						Swedish	541
						Tagalog	621
						Taishanese	21
						Taiwanese	181
						Tamil	91
						Telugu	31
						Thai	141
						Tigrinya	31
						Tongan	11
						Turkish	101
						Ukrainian	401
						Urdu	381
						Vietnamese	861
						Yoruba	91
						Yugoslavian	21

Respondents 29,487
No Response 9,545
All License Types 39,032

By Ethnicity	
American Indian / Native America	253
Asian	1,440
Black/African descent	645
Caucasian/White	23,919
Multi Racial	792
Not Listed	180
Pacific Islander	57
Spanish/Hispanic/Latina/o	699
Respondents	27,985
No Response	11,047
All License Types	39,032

By Gender		By Disabled Status	
FEMALE	12,024	N	18,307
MALE	17,333	Y	956
Respondents	29,357		
No Response	9,675		
All License Types	39,032		

By Age	All *	Active
21 to 30	1,968	1,900
31 to 40	9,091	8,142
41 to 50	9,375	7,919
51 to 60	8,360	6,839
61 to 70	7,534	5,776
71 to 80	2,135	1,438
Over 80	569	119
Total:	39,032	32,133

* Includes active, educational purposes, emeritus, house counsel, foreign law consultant, honorary, inactive, indigent representative, judicial, non-member emeritus, and military.

** Includes active, emeritus, house counsel, foreign law consultant, honorary, inactive, judicial, non-member emeritus, and military.

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

February 28, 2018

Vialo Weis, Jr.
Director
Seventh-Day Adventist Church
PO Box 5000
Westfield, IN 46074

Dear Mr. Weis,

Thank you for our letter of February 13, 2018, regarding Washington not following the general rule of accepting a foreign will under the presumption that it was lawfully executed in its jurisdiction. Thank you for bringing this matter to my attention. I have forwarded your letter to RoseMary Reed, the Chair of our Real Property, Probate, and Trust Section, for the Section's consideration.

Again, thank you for reaching out. If I can help with anything further, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula C. Littlewood", written in a cursive style.

Paula C. Littlewood



SEVENTH-DAY ADVENTIST CHURCH



*Indiana Conference
Headquarters*

February 13, 2018

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Planned Giving &
Trust Services
P.O. Box 5000
Westfield, IN 46074
Telephone: (317) 844-6201
Fax: (317) 571-9281

Re: State of Washington's non-acceptance of a foreign will

Dear Ms. Littlewood:

In the past few weeks, I learned that the State of Washington does not follow the general rule of accepting a foreign will under the presumption it was lawfully executed in its jurisdiction.

I serve as Planned Giving & Trust Services Director for the Indiana Conference of Seventh-day Adventists®. Almost every denomination has a department that works with church members and their attorneys in the preparation of estate plans. I do that for the Seventh-day Adventist® Church in Indiana.

One of our members here in Indiana worked with her Indiana attorney to prepare her estate plan. We also worked with this member. She asked us to be the custodian of her estate plan documents. Upon her death, the decedent's original will was sent to the Personal Representative. The Personal Representative made arrangements with an attorney in Spokane to probate the estate of the decedent. One of the Washington attorney's staff then contacted our office to inform us that the State of Washington would not admit the decedent's will to probate even though it included a self-proving affidavit without an affidavit from at least one of the witnesses, if both witnesses were still alive, because the decedent's Indiana will was not notarized (Indiana wills are notarized). We turned the matter over to the Indiana attorney who drafted the decedent's estate plan who contacted the Washington attorney probating the decedent's estate. Thankfully, we were able to find one of the witnesses. We turned that information over to the Indiana attorney who drafted the decedent's estate plan. Apparently, the Washington attorney received the affidavit as we received notice recently that the probate had begun and the personal representative had been appointed.

It was disappointing and frustrating to learn that the State of Washington does not follow the general rule of accepting a will from another state under the presumption it was lawfully executed in its jurisdiction. Please do what you can to fix this matter going forward as it is my opinion that foreign wills should be admitted to probate.

If you have any questions, please contact me.

Cordially,

Vialo Weis, Jr.
Director
Attorney at Law (licensed in Oklahoma)

FEB 16 2018

WASHINGTON STATE
BAR ASSOCIATION
Office of the Executive Director

March 8, 2018

Hon. Charles W. Johnson
Associate Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Response to Suggested Amendment to APR 6(b)(2)

Dear Justice Johnson,

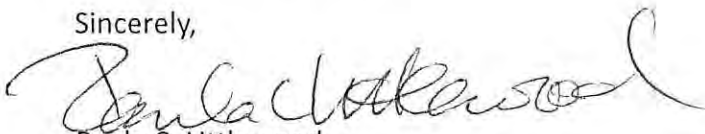
I am sending this letter to provide the Court with the requested response from the Washington State Bar Association (WSBA) to the suggested amendment to APR 6(b)(2) that was submitted to the Court.

The suggested amendment would change the education prerequisites for enrollment in the Law Clerk Program. As you know, this suggested amendment was referred to the Law Clerk Board for review and comment. The Law Clerk Board held a meeting on February 2, 2018, and discussed the proposed amendment. The Law Clerk Board recommends that the suggested amendment be rejected, for the reasons stated in the attached letter drafted after consideration of the suggested amendment.

Pursuant to WSBA policy, the Law Clerk Board submitted its proposed responsive letter to the WSBA Board of Governors (BOG) at its meeting on March 8, 2018, requesting approval from the BOG to submit the comment letter to the Court. After consideration of the materials submitted, the BOG approved submission to the Court of the comment letter recommending that the Court reject the suggested amendments.

Thank you for your consideration of this input. Please feel free to contact me or Jean McElroy if you have questions about this matter.

Sincerely,



Paula C. Littlewood
Executive Director

cc: Chief Justice Mary E. Fairhurst
Benjamin Phillabaum, Chair of Law Clerk Board
Jean K. McElroy, WSBA Chief Regulatory Counsel
Christopher Coleman, WSBA Staff Liaison to Law Clerk Board



February 27, 2018

Honorable Charles W. Johnson, Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Comments to Proposed Amendment to APR 6(b)(2)

Dear Justice Johnson:

As Chair of the Law Clerk Board (the Board), I write to convey the Board's response to the suggested amendment to APR 6(b)(2) regarding the education prerequisites for enrollment in the Law Clerk Program. The Board held a meeting on February 2, 2018, and discussed the suggested amendment. Based on the following, the Board respectfully asks the Court to reject the suggested amendment.

As the Court knows, the purpose of the law clerk program is to provide access to legal education using an apprenticeship model that ultimately qualifies the individual to sit for the lawyer bar exam in Washington. See APR 6(a), Purpose. The Board believes that individuals should have an established educational foundation prior to enrolling as a law clerk in order to be successful in the program and, ultimately, on the bar exam. The best way to accomplish this educational foundation is by earning a four-year degree, not a two-year degree as suggested by the proponent of the proposed amendment.

Just as law school requires a bachelor's degree prior to enrolling in a Juris Doctor educational program, so too should the law clerk program. The four years of study necessary to earn a bachelor's degree demonstrates the individual's dedication and ability to complete a long term course of study. In addition, one can presume the individual has attained a certain level of reasoning and skills by virtue of earning the four-year degree. The higher level courses that are typically studied in the third and fourth years are designed to illicit advanced reasoning and writing skills. In contrast, a two year degree limits the education to the basic course of study with fewer opportunities to develop and hone skills necessary for success in the law clerk program and on the bar exam.

The proponent argues that Washington should require only a two-year degree because California's law office study program requires only a two-year degree. It is necessary to be familiar with California's entire legal education system to understand why a two-year degree might work in California. In California, the state approves law schools that are not approved by the American Bar Association. In addition, the state requires law students, including law office study enrollees, to take and pass a first year



law student's bar exam—the so called “baby bar”. California has a complex administrative system for overseeing non-ABA law schools and the “baby bar”, which presumably identifies those who have sufficient knowledge and skills to continue with their legal education. No such safeguard exists in Washington. Creating a system such as a “baby bar” in Washington would be prohibitively expensive especially for such a small number of individuals as are enrolled in the law clerk program.

Finally, the proponent argues that the cost of obtaining a four-year degree is so costly now as to be beyond the means of many individuals. While this may be true, there are ways to overcome this. There is an abundance of financial aid available to undergraduate students, both grants and loans. In addition, in Washington, one may now earn a bachelor's degree at many community colleges. Attending a community college is less expensive than attending a university.

For all of the foregoing reasons, the Law Clerk Board respectfully asks the Court to reject the proposed amendment.

Thank you for the Court's consideration.

Sincerely,



Benjamin Phillabaum
Chair, Law Clerk Board

cc: Chief Justice Mary Fairhurst
Paula Littlewood, WSBA Executive Director
Jean K. McElroy, WSBA Chief Regulatory Counsel
Christopher Coleman, WSBA Staff Liaison to Law Clerk Board



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

December 8, 2017

DEC 12 2017

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Paula:

The Washington Supreme Court recently received a suggested amendment to APR 6—Law Clerk Program that would change the education criteria for law clerk program applicants. I am enclosing a copy of the suggested amendment and supporting materials provided by the proponent. The Supreme Court Rules Committee is requesting that the WSBA provide feedback on the suggested amendment for the committee's consideration.

Very truly yours,

Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosure

cc: Mr. David J. Roush

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director

April 3, 2018


Honorable Mary E. Fairhurst
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, Washington 98504-0929


Dear Chief Justice Fairhurst,

Enclosed please find the GR 9 cover sheets and text for the suggested amendments to General Rule 25 to conform the Rule to the Court's July 2015 Order Reinstating the Practice of Law Board. The Board also requests that the Court rescind the current Practice of Law Board Regulations. The Board included the provisions of the Regulations in the suggested GR 25 changes and the current Regulations are inconsistent with the Court's Order.

If you have any questions, please feel free to contact me, or direct them to Paul Bastine, Chair of the Practice of Law Board, at (509-844-2954).

Sincerely,


Paula Littlewood
Executive Director


Hon. Paul Bastine, ret., Chair
Practice of Law Board

Enclosures

cc: William D. Pickett, President, WSBA



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
800-945-WSBA | 206-443-WSBA | questions@wsba.org | www.wsba.org

GR 9 COVER SHEET DRAFT

Suggested Amendment

General Rule 25

Submitted by the Practice of Law Board

A. Name of Proponent:

Practice of Law Board

Staff Liaison/Contact

Julie Shankland, Senior Assistant General Counsel

Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539 (Phone: 206-727-8280)

B. Spokespersons:

Hon. Paul Bastine, ret. , Chair

Practice of Law Board

806 S. Raymond Rd.

Spokane Valley, WA 99206-3530 (Phone 509-844-2954)

C. Purpose:

General Rule (GR) 25 sets out the purposes, responsibilities and operating procedures for the Practice of Law Board. GR 25 was adopted effective September 1, 2001, to establish a Board to implement the Definition of the Practice of Law. In July 2015, the Court issued an order modifying the Practice of Law Board's purposes, responsibilities and procedures. The proposed changes conform GR 25 to the Court's July 2015 Order.

The Board also requests that the Court rescind the Practice of Law Board Regulations. The current Regulations were adopted prior to the Court's 2015 Order. The content of the Regulations was included in the proposed GR 25. The Board will determine whether new Regulations are needed.

Board Size and Membership: The proposed changes increase the required number of Board members not currently authorized to practice law from four to five. The total number of Board members is unchanged at 13.

Board Responsibilities: The proposed rule changes conform the Board's functions to those listed in the Court's July 2015 Order. The Board has a new responsibility to educate the public about how to receive competent legal assistance.

The Board maintains its responsibility to consider and recommend to the Court new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law. The proposed rule codifies the current practice of forwarding any recommendations in this area to the WSBA Board of Governors for consideration and comment at least 90 days prior to transmission to the Court. This section of the proposed rule also requires the Board to consider the GR 12.1 Regulatory Objectives when developing these recommendations.

The Board's role in unauthorized practice of law complaints is narrowed, consistent with the Court's July 2015 Order. The proposed rule states that the Board may receive complaints alleging unauthorized practice of law, will review the complaints, and may refer complaints that allege harm to the public interest to appropriate enforcement agencies. The proposed rule, consistent with the Court's July 2015 Order, eliminates the Board's responsibility to investigate unauthorized practice of law complaints and make determinations whether specific conduct constitutes the unauthorized practice of law.

The proposed rule eliminates the Board's role in issuing advisory opinions. Current GR 25 permits requests for advisory opinions "relating to the authority of a nonlawyer to perform legal and law-related services." The rule also permits petitions for review of advisory opinions. Issuing opinions regarding who can and cannot perform legal and law-related services is a decision better suited for the Court instead of the Practice of Law Board. Opinions of the Practice of Law Board, the majority of whom are practicing attorneys, presents a heightened risk of anticompetitive activity. Thus, Board advisory opinions would need active court supervision, including some form of review and approval. The active supervision procedure would interfere with a later petition for review process. Although advisory opinions are not included in GR 25, the Board can receive questions from the Court at any time.

Board Records: The proposed rule clarifies that Board records, including unauthorized practice of law complaints are public and subject to GR 12.4.

Annual Report: To assist the Court in actively supervising the Board's activities, the proposed rule requires the Board to submit an annual report to the Court.

Regulations: The proposed rule maintains the Board's authority to adopt regulations subject to the Court's approval. The proposed rule adds a provision requiring proposed board regulations to be provided to the WSBA Board of Governors for informational purposes.

D. Hearing:

A hearing is not recommended.

E. Expedited Consideration:

Expedited consideration is requested. The Practice of Law Board believes the Rule should be consistent with the Court Order as soon as possible.

Supporting Material:

The Board sent the proposed GR 25 changes to stakeholders, including the Access to Justice Board, LLLT Board, and WSBA Board of Governors. In response to comments received, the Board clarified the appointment process, eliminated the advisory opinion process and removed the word "nonlawyer." Most comments received supported the conforming changes to the rule.

Attachments:

GR 25 Proposed Redline

GR 25 Proposed-Clean

July 2015 Court Order Reconstituting Practice of Law Board

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

April 6, 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 Mr. Revelle:

At the court's April 4, 2018 en banc conference, the justices reviewed, discussed, and approved the proposal set forth in your March 19, 2018 request to reallocate the FY18 Access to Justice Board funding from the Supreme Court.

Please let me know if you have any questions. Thank you.

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, WSBA Executive Director
Diana Singleton, ATJ Manager



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
SUPPORTER

March 19, 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:

I am writing to follow up on my letter dated December 17, 2017 in which the Access to Justice (ATJ) Board proposed how it would like to spend the \$31,250 in funding from the Supreme Court. I am writing to provide more specific information about how we would like to use the funding to support the implementation of the State Plan as well as request an adjustment to some of the other allocations.

Over the last few months, the ATJ Board and its Delivery System Committee (DSCO) has been working on how best to support Alliance for Equal Justice (Alliance) organizations and oversee the implementation of the State Plan. After reviewing Alliance organizations' preliminary plans for implementing the State Plan, DSCO determined that it would be helpful to support them through trainings, convenings to share best practices and continued outreach to community-based organizations (see attached memo summarizing their preliminary plans). To that end, we propose to use funding for the State Plan implementation in the following ways:

- \$2000 for the ATJ Board to meet with Alliance organizations and local community-based organizations in the Northwest Region to educate and coordinate around the State Plan (e.g., food and space for meeting)
- \$2000 for Alliance outreach to community-based organizations to educate them about the State Plan (e.g., outreach materials)
- \$4000 for activities to support Alliance organizations in implementing the State Plan (e.g., travel for speakers and food for trainings and local convenings)

We would also like to request an adjustment from our initial proposal for the funding allocation and use \$2119 less for the State Plan support and apply it

toward some additional www.allianceforequaljustice.org website development work that has arisen since we launched.

Please let me know if these proposed funding allocations 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: Letter dated December 17, 2018 regarding proposed funding allocation
State Plan Implementation Trends Memo



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



December 18, 2017

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:

Thank you for including \$31,250 for the Access to Justice Board in the Supreme Court's FY18 budget. We are very grateful for these funds, and propose to use them to support the work guided by our recently adopted two-year priorities (see enclosed). We propose to use the funds prior to June 30, 2018 as follows:

\$10,119 to support the implementation of the 2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People ("State Plan"):

As you know, the Access to Justice Board recently adopted the new State Plan. We are in the beginning stages of implementation, soliciting preliminary reports from Alliance for Equal Justice members about their plans for implementation. We are strategizing how to support Alliance members and track implementation. We propose to use these funds for technical assistance for data tracking and analysis and supporting improved integration and collaboration with community-based organizations. We anticipate having more specifics in early 2018 regarding what the technical assistance will entail and can report back when we know.

\$15,250 to promote race equity and implement Goal One of the State Plan:

The first goal of the State Plan is to "promote racial equity both systemically and within its organizational practices, working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, and opportunities for communities and individuals."

Of the \$15,250, we propose to use \$11,500 to support JustLead Washington in delivering on developing an organizational equity self-assessment tool which will review and develop more equitable hiring and retention strategies, create and maintain an organizational culture that is supportive of diverse staff,

board and volunteers, and employ a race equity lens in the development and implementation of policies, practices and procedures. JustLead Washington will also coordinate anti-racism and anti-bias trainings including train-the-trainer opportunities that can increase our community's peer learning capacity.

We propose to use the remaining \$3,750 for a consultant to help the Access to Justice Board implement its own race equity strategies and support the often-challenging work of organizational change. The consultation would include assistance with the implementation of an organizational equity plan and facilitation and support of the Board and staff as problems or questions arise.

\$5,881 to complete our website redesign project: As you know, we have been working on redesigning the Alliance for Equal Justice website to improve the web presence of the Board and the Alliance. We propose to use \$5881 to complete payment for the web designer and developer for their work on the newly redesigned website which you can view at www.allianceforequaljustice.org.

Please contact me if you have any questions regarding these proposed expenditures.

Thank you,



Geoff Revelle, Chair

cc: Ramsey Radwan, Director, AOC Management Services Division
Paula Littlewood, Executive Director, WSBA

encl: 2017-2019 Two-Year Access to Justice Board Priorities



Memorandum

To: Alliance for Equal Justice
From: Access to Justice Board Delivery System Committee
Date: February 13, 2018
RE: Early Trends in State Plan Implementation

Over 35 organizations have shared their preliminary plans for how they hope to achieve the goals of the State Plan. The following information shows the trends of what many organizations are planning to initially focus on as they start their State Plan journey.

Because many of the strategies outlined throughout the goals are overlapping (e.g., reaching out to community partners, breaking down silos), we organized the trends based on themes as opposed to the goals. However, as you review the trends, here are the five goals as a reference:

- GOAL 1: Race Equity
- GOAL 2: Education and Outreach
- GOAL 3: Reaching Underserved and Underrepresented
- GOAL 4: Holistic and Client-Centered Approaches
- GOAL 5: Systemic Advocacy

Race Equity

Most organizations report prioritizing the implementation of Goal 1. Some organizations are already underway and some are thinking about getting started. The strategies most of interest or commonly in progress include:

- Train staff, board and/or volunteers
- Engage the board in discussion of applying a race equity lens and/or integrating race equity into strategic planning
- Use organizational self-audits
- Increase community outreach and/or partnership with community-based organizations in race equity work
- Diversify recruitment and hiring for board, staff, and volunteers
- Apply a race equity lens to advocacy work and decision-making

Working with Community-Based Organizations

Most organizations report various ways of working more closely with community-based organizations (CBOs), agencies and other Alliance organizations as they look to implement Goals 2, 3, 4 and 5. Whether identifying ways to improve client education and outreach, offer a more holistic approach to services, or recognize systemic issues that need coordinated advocacy, many organizations are planning to work with CBOs in the following ways:

- Offer trainings so CBOs can better issue-spot legal programs and know when to make a legal referral
- Learn more about CBOs so more cross-referrals (legal/non-legal) can happen
- Ask CBOs for feedback on how to improve communications about what services a civil legal aid organization provides
- Set up legal clinics at CBO locations
- Co-locate with a CBO
- Consult and partner with CBOs to identify client needs and systemic issues
- Serve on CBO boards

Working with Criminal Justice Partners

Similarly to working with CBOs, many organizations are thinking about what they can do to break down the silos between civil and criminal justice systems. The following is a summary of many organizations are planning:

- Continue to or plan to meet with people are incarcerated about their civil legal needs
- Use a holistic approach to serving client communities who straddle the civil and criminal systems
- Consult and partner more regularly with public defenders to identify civil needs and systemic issues
- Recruit people from the criminal justice system (public defenders, prosecutors, judges) to serve on the board

Innovative Approaches

In addition to trying new approaches to outreach and service delivery by working with CBOs and criminal justice partners, many organizations are also looking at or already using other innovative ways including the following:

- Integrate social workers into the service delivery of civil legal aid (e.g., host MSW student interns, hire non-attorney intake specialists and case managers)
- Work with people in other disciplines (e.g., financial counselors, therapists) to identify civil legal needs and cross-referrals
- Use technology to expand services, reach underserved areas, and make services more accessible

- Advance client empowerment (e.g., solicit client evaluation and input, train how to issue-spot own legal needs, offer opportunities to tell their own story, outline ways for clients to keep organization accountable)

Training Needs

As organizations gear up for implementing the State Plan, many have identified training needs for Alliance organizations which include the following:

- An Organization's First Steps for Prioritizing Race Equity
- Implicit Bias (from 101 to Advanced)
- Engaging Your Board in Race Equity Work
- Integrating Race Equity into Strategic Planning and Policy-Making
- How to Apply Equity in HR Policy and Practices
- Does Reaching More Communities of Color Check the Race Equity Box?
- Best Practices on Issue-Spotting Trainings for CBOs and Client Communities
- Forming a Match Made in Heaven with CBOs (to do outreach together, setting up clinics together, co-locating, etc.)
- Using Tech to Expand Services
- How to Use a Holistic Approach Without More Funding
- Community Lawyering 101 and Beyond

These trends and identified training needs have informed us on how to we can support organizations as they implement the State Plan. So we don't work in a vacuum and maximize resources, expertise and connections, we will soon be creating an online resources and monthly "State Plan Goal" learning and connecting opportunities. If you are interested in getting involved with organizing these opportunities or the State Plan implementation, please contact Diana Singleton, Access to Justice Manager, at dianas@wsba.org.

WASHINGTON STATE BAR ASSOCIATION

Office of Disciplinary Counsel

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,

A handwritten signature in dark ink, appearing to read 'D. Ende', followed by a long horizontal line that ends in an arrowhead pointing to the right.

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

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

April 17, 2018

Mr. Jeffrey R. Bernstein
4425 42nd Avenue South
Seattle, WA 98118-1625

Re: Tarra Simmons

Dear Mr. Bernstein,

Thank you for your letter regarding Bar applicant Tarra Simmons and the Washington Supreme Court's opinion in her Character and Fitness appeal. WSBA shares your conviction about welcoming those who have paid their debt back into society and I appreciate your willingness to reach out for more information beyond what you read in the *Seattle Times*.

Some background about the Character and Fitness Board might be useful in explaining WSBA's role. WSBA is the Supreme Court's regulatory agency charged with administering the Court's process for character and fitness review of Bar candidates according to the processes that are fully described in the Washington Supreme Court Admission and Practice Rules 20 through 25. The Character and Fitness Board's composition, processes, and standards are also outlined in those rules. The WSBA Board of Governors is not involved in any way in the proceedings of the Character and Fitness Board.

Because our role is upholding the *process*, we appreciate the Supreme Court's opinion affirming that the character and fitness review process worked as it should in Simmons' appeal. The Court's "ultimate responsibility in matters relating to admission of attorneys is to guard the public and its confidence in the judicial system," and WSBA strives to assist the Court in meeting this responsibility. The Court confirmed that Bar Counsel had reasonable grounds to refer the matter for further consideration (and noted that Bar Counsel made no recommendation as to the outcome), and that the Character and Fitness Board acted appropriately and in good faith; the Court stated that they "simply disagreed with the [Character and Fitness] Board's recommendation in this particular case."

The Court agrees with the values you expressed in your letter: "... for purposes of bar admission, a moral character inquiry is determined on an individualized basis and ...there is no categorical exclusion of an applicant who has a criminal or substance abuse history" and "...one's past does not dictate one's future." These same values form the basis and substance of the APR that are used in administering and deciding Character and Fitness cases. Ultimately, the Court found that Ms. Simmons' individual circumstances did not preclude her from sitting for the Bar exam.

The opinion itself is a good resource about the character and fitness review process in general and this case specifically: www.courts.wa.gov/opinions/pdf/2016715.pdf.

I am happy to touch base further if you would like. The WSBA's mixed roles of the regulation of the practice of law and the professional association sometimes create confusion around the WSBA's role in such regulatory processes.

Again, thank you for reaching out.

Sincerely,



Paula C. Littlewood

JEFFREY R. BERNSTEIN
ATTORNEY-AT-LAW
4425 42ND AVENUE S
SEATTLE, WA 98118-1625
206-795-8327
JRB@POST.HARVARD.EDU

APR 10 2018

April 6, 2018

Paula Littlewood, Esq.
Washington State Bar Association
1325 4th Avenue
Seattle, WA 98101

Re: Tarra Simmons

Dear Ms. Littlewood:

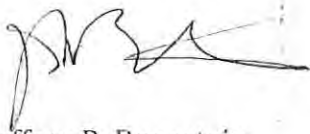
I was unhappy to read in today's *Seattle Times* that the WSBA had recommended that Tarra Simmons not be permitted to seek a license to practice law. Apparently (all the information I have comes from the article) WSBA felt her judgment and conduct were not of the caliber WSBA requires. I assume this judgment was made due to Simmons' rather extensive criminal record.

The information in the newspaper article indicates to me that Ms. Simmons, after having served her time for the crimes she committed, became the sort of person the legal profession welcomes into its ranks. I believe very strongly that people who have "paid their debt to society" should not be hindered from bettering their lives based on their past deeds. It is institutions like WSBA that must display this ethos if there is to be improvement on this score.

As I said, I don't have all the facts. If WSBA had information indicating Ms. Simmons' character at present is not commensurate with WSBA's standards for bar applicants, so be it. If however, WSBA's judgment was based on her past, I object strongly.

Thank you for your consideration of my point of view.

Very truly yours,



Jeffrey R. Bernstein
WA Bar #37604

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

April 18, 2018

The Honorable Charles W. Johnson
Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia WA 98504-0929

Dear Justice Johnson,

Thank you for your letter dated March 22, 2018, asking WSBA to review and advise the Court about the continued applicability of Comment 18 to RPC 1.2 in light of the changed position of the Department of Justice regarding state-legalized marijuana.

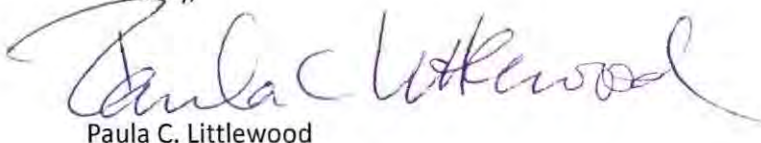
As it happens, the WSBA Committee on Professional Ethics (CPE) took up the Comment 18 issue at its February 9, 2018, meeting. Accordingly, I will be referring your letter and its enclosures to CPE Committee Chair Don Curran and will ask that the Committee take that information and the Court's request into account in analyzing the issue. The Committee will be reviewing a report from the assigned subcommittee on April 20, 2018, and expects that it will have a Committee report and recommendation prepared by its June 22, 2018, meeting.

If the Committee recommends a change to the rule or comment, that recommendation would need to be reviewed and approved by the Board of Governors, which has meetings scheduled for July 27-28, 2018, and September 27-28, 2018.

Considering this schedule, a realistic timeline for providing a WSBA position for consideration by the Supreme Court Rules Committee is early October 2018. If this timeline does not work with the Court's timeline for consideration of this issue, please let me know and we will work out a new timeline with CPE.

We appreciate the opportunity to provide WSBA's perspective to the Court on this important issue. If you have any questions about our proposed process, please don't hesitate to contact me.

Sincerely,

A handwritten signature in purple ink that reads "Paula C. Littlewood". The signature is fluid and cursive, with the first name "Paula" being more prominent.

Paula C. Littlewood

cc: J. Donald Curran, WSBA Committee on Professional Ethics Chair (with March 22 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

March 22, 2018

APR 04 2018

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Paula:

The Supreme Court recently received a request to review and advise regarding the continued applicability of Comment 18 to RPC 1.2—Scope of Representation and Allocation of Authority Between Client and Lawyer, in light of the reversal of the Department of Justice's position regarding state-legalized marijuana. I am enclosing a copy of the request and supporting materials provided. Before crafting a response, the Rules Committee is interested in having the WSBA review this proposal and provide its response. The Rules Committee also discussed the WSBA convening a workgroup regarding whether Comment 18 to RPC 1.2 should be changed, but the committee will leave that up to you.

Please consider this request and reply with information as to the status of this possible workgroup and the projected timeline for providing a position for the committee's consideration.

Very truly yours,



Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosure

cc: Bill Fosbre, Tacoma City Attorney

From: Fosbre, Bill (Legal)
To: OFFICE RECEPTIONIST, CLERK; AOC DL - Rules Comments; brad.wsba@furlongbutler.com
Cc: [Pauli, Elizabeth](#)
Subject: RPC 1.2 Comment 18
Date: Thursday, January 11, 2018 2:25:49 PM
Attachments: [Sessions Press Release MJ Jan 4 2018.docx](#)
[ag_marijuana_enforcement_1.4.18_0.pdf](#)

Dear Members of the Supreme Court, Rules Committee and WSBA President Furlong:

As we are all aware, U.S. Attorney General Sessions has recently rescinded the prior nationwide guidance specific to marijuana enforcement. See attached press release and memorandum of the Attorney General dated January 4, 2018. The City of Tacoma licenses, inspects, issues building permits, and provides a variety of utility services (power, water, sewer, garbage, storm water) to state sanctioned marijuana businesses. The City provides many of these services by way of a contract, which requires the consultation and approval of the City Attorney's office. My staff and I need to know if our ethical obligations under RPC 1.2 have changed.

I request the Court review and advise on the continued applicability of RPC 1.2 Comment 18.

Thank you for your consideration.

Sincerely,

-Bill Fosbre

Cc: Elizabeth Pauli, Tacoma City Manager

Bill Fosbre
City Attorney
City of Tacoma
747 Market Street RM 1120
Tacoma, WA 98402
(253) 591-5632
Bill.Fosbre@ci.tacoma.wa.us

JUSTICE NEWS

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, January 4, 2018


JUSTICE DEPARTMENT ISSUES MEMO ON MARIJUANA ENFORCEMENT

The Department of Justice today issued a memo on federal marijuana enforcement policy announcing a return to the rule of law and the rescission of previous guidance documents. Since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana.

In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities. This return to the rule of law is also a return of trust and local control to federal prosecutors who know where and how to deploy Justice Department resources most effectively to reduce violent crime, stem the tide of the drug crisis, and dismantle criminal gangs.

"It is the mission of the Department of Justice to enforce the laws of the United States, and the previous issuance of guidance undermines the rule of law and the ability of our local, state, tribal, and federal law enforcement partners to carry out this mission," said Attorney General Jeff Sessions. "Therefore, today's memo on federal marijuana enforcement simply directs all U.S. Attorneys to use previously established prosecutorial principles that provide them all the necessary tools to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country."

Attachment(s):

 Download Marijuana Enforcement 1-4-18

Component(s):

Office of the Attorney General

Press Release Number:

18-8


Updated January 4, 2018



Office of the Attorney General
Washington, D. C. 20530

January 4, 2018

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: Jefferson B. Sessions, III 
Attorney General

SUBJECT: Marijuana Enforcement

In the Controlled Substances Act, Congress has generally prohibited the cultivation, distribution, and possession of marijuana. 21 U.S.C. § 801 *et seq.* It has established significant penalties for these crimes. 21 U.S.C. § 841 *et seq.* These activities also may serve as the basis for the prosecution of other crimes, such as those prohibited by the money laundering statutes, the unlicensed money transmitter statute, and the Bank Secrecy Act. 18 U.S.C. §§ 1956-57, 1960; 31 U.S.C. § 5318. These statutes reflect Congress's determination that marijuana is a dangerous drug and that marijuana activity is a serious crime.

In deciding which marijuana activities to prosecute under these laws with the Department's finite resources, prosecutors should follow the well-established principles that govern all federal prosecutions. Attorney General Benjamin Civiletti originally set forth these principles in 1980, and they have been refined over time, as reflected in chapter 9-27.000 of the U.S. Attorneys' Manual. These principles require federal prosecutors deciding which cases to prosecute to weigh all relevant considerations, including federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community.

Given the Department's well-established general principles, previous nationwide guidance specific to marijuana enforcement is unnecessary and is rescinded, effective immediately.¹ This memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion in accordance with all applicable laws, regulations, and appropriations. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.

¹ Previous guidance includes: David W. Ogden, Deputy Att'y Gen., Memorandum for Selected United States Attorneys: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana (Oct. 19, 2009); James M. Cole, Deputy Att'y Gen., Memorandum for United States Attorneys: Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use (June 29, 2011); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement (Aug. 29, 2013); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Related Financial Crimes (Feb. 14, 2014); and Monty Wilkinson, Director of the Executive Office for U.S. Att'ys, Policy Statement Regarding Marijuana Issues in Indian Country (Oct. 28, 2014).

RPC 1.2
SCOPE OF REPRESENTATION AND
ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to paragraphs (c) and (d), 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. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) [Reserved.]

(f) A lawyer shall not purport to act as a lawyer for any person or organization if the lawyer knows or reasonably should know that the lawyer is acting without the authority of that person or organization, unless the lawyer is authorized or required to so act by law or a court order.

[Originally effective September 1, 1985; amended effective October 1, 2002; October 29, 2002; September 1, 2006; September 1, 2011.]

Comment

Allocation of Authority between Client and Lawyer

[1] **[Washington revision]** Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See RPC 1.4(a)(1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by RPC 1.4(a)(2) and may take such action as is impliedly authorized to carry out the representation. See also RPC 1.1, comments [6] and [10] as to decisions to associate other lawyers or LLLTs.

[Comment 1 amended effective September 1, 2016.]

[2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal and tactical matters. Conversely, lawyers usually defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this Rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See Rule 1.16(b)(4). Conversely, the client may resolve the disagreement by discharging the lawyer. See Rule 1.16(a)(3).

[3] At the outset of a representation, the client may authorize the lawyer to take specific action on the client's behalf without further consultation. Absent a material change in circumstances and subject to Rule 1.4, a lawyer may rely on such an advance authorization. The client may, however, revoke such authority at any time.

[4] In a case in which the client appears to be suffering diminished capacity, the lawyer's duty to abide by the client's decisions is to be guided by reference to Rule 1.14.

Independence from Client's Views or Activities

[5] Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. By the same token, representing a client does not constitute approval of the client's views or activities.

Agreements Limiting Scope of Representation

[6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.

[7] Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may

agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

[8] All agreements concerning a lawyer's representation of a client must accord with the Rules of Professional Conduct and other law. See, e.g., Rules 1.1, 1.8 and 5.6.

See also Washington Comment [14].

Criminal, Fraudulent and Prohibited Transactions

[9] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. Nor does the fact that a client uses advice in a course of action that is criminal or fraudulent of itself make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.

[10] When the client's course of action has already begun and is continuing, the lawyer's responsibility is especially delicate. The lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by suggesting how the wrongdoing might be concealed. A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is criminal or fraudulent. The lawyer must, therefore, withdraw from the representation of the client in the matter. See Rule 1.16(a). In some cases, withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, document, affirmation or the like. See Rule 4.1.

[11] Where the client is a fiduciary, the lawyer may be charged with special obligations in dealings with a beneficiary.

[12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence, a lawyer must not participate in a transaction to effectuate criminal or fraudulent avoidance of tax liability. Paragraph (d) does not preclude undertaking a criminal defense incident to a general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.

[13] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the

limitations on the lawyer's conduct. See Rule 1.4(a)(5).

Additional Washington Comments (14–17)

Agreements Limiting Scope of Representation

[14] An agreement limiting the scope of a representation shall consider the applicability of Rule 4.2 to the representation. (The provisions of this Comment were taken from former Washington RPC 1.2(c).) See also Comment [11] to Rule 4.2 for specific considerations pertaining to contact with a person otherwise represented by a lawyer to whom limited representation is being or has been provided.

[Comment [14] amended effective April 14, 2015.]

[Comments originally effective September 1, 2006.]

Acting as a Lawyer Without Authority

[15] Paragraph (f) was taken from former Washington RPC 1.2(f), which was deleted from the RPC by amendment effective September 1, 2006. The mental state has been changed from “willfully” to one of knowledge or constructive knowledge. See Rule 1.0A(f) & (j). Although the language and structure of paragraph (f) differ from the former version in a number of other respects, paragraph (f) does not otherwise represent a change in Washington law interpreting former RPC 1.2(f).

[Comment [15] adopted effective September 1, 2011.]

[16] If a lawyer is unsure of the extent of his or her authority to represent a person because of that person's diminished capacity, paragraph (f) of this Rule does not prohibit the lawyer from taking action in accordance with Rule 1.14 to protect the person's interests. Protective action taken in conformity with Rule 1.14 does not constitute a violation of this Rule.

[Comment [15] adopted effective September 1, 2011.]

[17] Paragraph (f) does not prohibit a lawyer from taking any action permitted or required by these Rules, court rules, or other law when withdrawing from a representation, when terminated by a client, or when ordered to continue representation by a tribunal. See Rule 1.16(c).

[Comment [15] adopted effective September 1, 2011.]

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

[18] 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.

[Comment [18] adopted effective December 9, 2014.]



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

April 25, 2018

The Honorable Charles Johnson, Chair
Washington State Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to APR 8

Dear Justice Johnson,

The Access to Justice Board's Rules Committee has recommended to the ATJ Board that it support the proposed amendments to APR 8. The Board has accepted that recommendation and is accordingly writing to you to express our support.

It is our understanding that the proposed amendment to APR 8 would allow an attorney who is not a WSBA licensed attorney, but one who is licensed and in good standing in the bar of another state or U.S. territory, to appear in a "child custody proceeding" pursuant to the Washington State Indian Welfare Act under certain circumstances. It is our understanding that the reason for this proposed amendment is because oftentimes non-Washington tribes may have an interest in a Child Welfare case in this state that involves one of their tribal members but cannot access our court system because they do not have the financial means to pay the required fees. The Board suggests that if the APRs do not already require such a lawyer admitted under this proposed amendment to affirm that they are familiar with the Washington State Court Rules and agree to be subject to the jurisdiction of the WSBA for purposes of their involvement with admission under the proposed amendment that such a requirement be made explicit.

The ATJ Board hopes that this Court consider and adopt the proposed amendments and take into account the Board's comments.

Sincerely,

Geoffrey Revelle
Access to Justice Board Chair

Cc: Paula Littlewood, Executive Director, Washington State Bar Association



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
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(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

April 25, 2018

The Honorable Charles Johnson, Chair
Washington State Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to RALJ 9.3

Dear Justice Johnson,

The Access to Justice Board's Rules Committee has recommended to the ATJ Board that it support the proposed amendments to RALJ 9.3. The ATJ Board has accepted that recommendation. Accordingly, the ATJ Board is writing to the Court urging the Court to adopt the proposed amendments with these two comments.

First, the ATJ Board recommends that the Court make the proposed amendments applicable to civil actions and not limit the amendments to criminal cases. Imposing costs on non-prevailing parties, especially those parties that are often found in courts of limited jurisdiction, restricts access to the justice system. A party of limited means should not be discouraged from accessing the justice system because of the threat of costs being imposed if they do not prevail.

Second, the ATJ Board recommends that the proposal amendments be changed to have the superior court trial judge determine whether the non-prevailing party does not have the ability to pay. The ATJ Board notes that Magda Baker of the Washington Defender Association has also proposed that the superior court judge make that determination. The ATJ Board believes that process is prudent.

The ATJ Board hopes that this Court consider and adopt the proposed amendments and take into account the Board's comments.

Sincerely,

Geoffrey Revelle
Access to Justice Board Chair

Cc: Paula Littlewood, Executive Director, Washington State Bar Association

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

April 26, 2018

Geoffrey Revelle, Chair
Access to Justice Board
701 5th Avenue, #420
Seattle, WA 98104

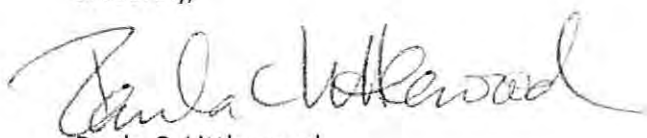
Dear Mr. Revelle,

Thank you for the invitation to join the Race and Equity Justice Initiative (REJI). We are pleased to let you know that the WSBA Board of Governors unanimously voted to accept the Access to Justice Board's invitation to join REJI.

As you know, the WSBA is committed to diversity, equity and inclusion and our mission to "champion justice." We look forward to joining the other REJI partners to advance our mutual commitments to race equity.

We will continue to support our staff's engagement in REJI.

Sincerely,



Paula C. Littlewood
Executive Director



William D. Pickett
President

cc: Jennifer Werdell, Executive Director, JustLead WA

WASHINGTON STATE BAR ASSOCIATION

Anne Hall
Chair, WSBA Judicial Recommendation Committee

May 1, 2018

Dear Ms. Hall,

I am responding to the Judicial Recommendation Committee request to review Criterion 5 of the JRC Guidelines and assess the interview questions listed in Section 6 of the questions used by the JRC when interviewing candidates. As a result of my review I make the following recommendations:

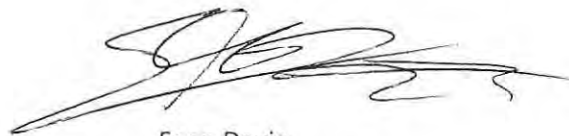
1. Change the language in Criterion 5 from "Is the applicant willing to and physically, mentally, and emotionally capable of sustained work..." to read: **"Does the applicant have the ability to do sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?"** The aforementioned language focuses the assessment on the skills and abilities of the applicant to perform the job and does not bring into consideration the mental health questions which are prohibited under law.
2. Change questions 6.2 to read: "What evidence can you offer of your ability **to manage** the workload of the Court of Appeals?" Changing the phrase "cope with" to "manage" focuses the question on the skills and abilities of the applicant to carry out the essential function of managing the workload of the Court.

I hope these recommendations are helpful to you in addressing any concerns you may have about the criterion or questions. Please do not hesitate to contact me if you have any questions.

Sincerely,



Frances Dujon-Reynolds
Director of Human Resources



Sean Davis
General Counsel

Cc: Paul Crisalli, Vice Chair of the Judicial Recommendations Committee
Alec Stephens, Board of Governors, Liaison to the Judicial Recommendations Committee
Paul Swegle, Board of Governors, Liaison to the Judicial Recommendations Committee
Paula Littlewood, WSBA Executive Director
Jennifer Olegario, WSBA Staff Liaison to the Judicial Recommendations Committee
Sanjay Walvekar, WSBA Staff Liaison to the Judicial Recommendations Committee

WASHINGTON STATE BAR ASSOCIATION

April 18, 2018

Merf Ehman, Executive Director
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, WA 98104

David Carlson, Director of Advocacy
Disability Rights Washington
315 5th Ave S, Ste 850
Seattle, WA 98104

Dear Mr. Ehman and Mr. Carlson:

Thank you for your letter dated April 3, 2018, regarding a line of questioning from one of the Judicial Recommendation Committee (JRC) members during a reference check. We appreciate your bringing this issue to our attention.

We want to make clear that the JRC and WSBA do not have a policy to ask about mental health problems regarding any and all applicants during reference checks. We train our members not to ask inappropriate questions of references about whether a candidate is a member of a protected class, including issues relating to physical or mental health.

To underscore our dedication to these principles, we will reiterate these requirements with all of our committee members before our next evaluation process and during our next committee meeting. I have also forwarded your letter to the WSBA General Counsel and Human Resources Director. Further, our committee is in the process of reviewing the evaluation materials and guidelines, including Criterion Number 5, in consultation with the WSBA General Counsel and Human Resources Director, and the Board of Governors.

The JRC is dedicated to finding well-qualified judicial candidates from any and all backgrounds, whom reflect the community they would represent and reflect the best interests of the judicial system. Thank you again for raising these questions.

Sincerely,

Anne Hall
Chair, WSBA Judicial Recommendation Committee

cc: Paul Crisalli, Vice-Chair of the Judicial Recommendation Committee
Alec Stephens, Board of Governors Liaison to the Judicial Recommendation Committee
Paul Swegle, Board of Governors Liaison to the Judicial Recommendation Committee
Paula Littlewood, WSBA Executive Director
Sanjay Walvekar, WSBA Staff Liaison to the Judicial Recommendation Committee
Jennifer Olegario, WSBA Staff Liaison to the Judicial Recommendation Committee
Kathryn Leathers, General Counsel to Governor Jay Inslee



Working for Justice Since 1967

columbialegal.org

April 3, 2018

APR 09 2018

Anne Hall
Chair, Judicial Recommendation Committee
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Dear Ms. Hall:

We understand that as part of the its judicial evaluation and recommendation process, the Washington State Bar Association's Judicial Recommendation Committee (JRC) asks references for judicial candidates whether they have any knowledge of the candidate's "mental health problems." It is our position that it is unlawful, and unnecessary, to make this inquiry and to question a lawyer's "fitness" for the bench simply because he or she has a mental health disability, or is perceived to have a mental health disability. Moreover, broad inquiries about a candidate's mental health have the effect of dissuading otherwise highly qualified candidates from taking part in the judicial evaluation process, and undermine the goal of having the bench reflect all individuals and communities served by the judicial system. We ask that the JRC end its practice of asking questions about candidates' mental health disabilities and review and revise its Guidelines¹ to comply with the law.

This issue came to our attention earlier this month, when a Columbia Legal Services staff attorney was contacted by a JRC member to provide a reference for a candidate for the appellate bench. After answering several questions about the candidate's qualifications, she was startled when the JRC member abruptly stated that the next question was one that he didn't like asking, but that he was required to ask of all references: whether she was aware if the candidate had any "mental health problems." When the attorney explained that she thought the question was improper, not to mention illegal, and that she was troubled that the JRC had such a question on their list, the JRC member did not disagree, and explained that he wished he didn't have to ask the question, but that it was asked of all references.

¹ We refer to the WSBA Judicial Recommendation Guidelines currently posted on WSBA's website, which include eight Criteria the JRC "shall consider" when recommending applicants for appointment to the Supreme Court and Court of Appeals. The Guidelines are available at https://www.wsba.org/docs/default-source/legal-community/committees/judicial-recommendation-committee/jrc-guidelines-042608.pdf?sfvrsn=c39b3cf1_2.



THE ALLIANCE

Basic Human Needs Project • Children and Youth Project • Economic Justice Project • Institutions Project • Working Families Project

Kennewick
7103 W Clearwater Ave, Ste C
Kennewick, WA 99336
(888) 201-9735

Olympia
711 Capitol Way S, Suite 304
Olympia, WA 98501
(800) 260-6260

Seattle
101 Yesler Way, Suite 300
Seattle, WA 98104
(800) 542-0794

Wenatchee
300 Okanogan Ave, Suite 2A
Wenatchee, WA 98801
(800) 572-9615

Yakima
600 Larson Building
6 South Second Street
Yakima, WA 98901

Columbia Legal Services and Disability Rights Washington share the JRC's, and WSBA's, interest in protecting the public and championing justice by recommending qualified judicial candidates. However, the JRC, like any other judicial evaluation committee, must comply with state and federal antidiscrimination laws and avoid discriminatory practices while working to achieve this goal.

As the broad coalition of attorneys, law firms, non-profits, and law schools lead by Disability Rights Washington explained to the WSBA previously with respect to admission of lawyers, both the Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD) require the bar refrain from asking questions that discriminate against individuals with mental health disabilities. See <https://www.disabilityrightswa.org/2016/09/01/questions-of-discrimination/>. Columbia Legal Services, Disability Rights Washington and the undersigned individuals and organizations believe the same prohibition against discrimination applies to the JRC's inquiries regarding judicial nominees. Under the Americans with Disabilities Act, requiring disclosure of information relating to disabilities without a necessary basis for that information is a form of discrimination because it screens out, or has the potential to screen out, people with disabilities by imposing disproportionate burdens on them. Here, no necessary basis exists. The American Bar Association's House of Delegates addressed these issues in a report issued 20 years ago. See ABA Report No. 114 (February 2, 1998), available at https://www.americanbar.org/content/dam/aba/directories/policy/1998_my_114.authcheckedam.pdf. The ABA report cited the U.S. Department of Justice's position that "the state judicial nominating and appointment processes are covered by Title II of the ADA, which prohibits policies that unnecessarily impose greater requirements or burdens on individuals with disabilities in the screening process than those imposed on others."

Subjecting applicants to scrutiny based on their status as persons with a mental health disability also violates the WLAD. RCW 49.60.010 declares that the purpose of the WLAD is to prohibit practices of discrimination against any inhabitants of Washington based upon "any sensory, mental, or physical disability" because such discrimination "threatens not only the rights and proper privileges of [the State's] inhabitants but menaces the institutions and foundation of a free democratic state." Furthermore, RCW 49.60.030 provides that "[t]he right to be free from discrimination because of...the presence of any sensory, mental, or physical disability...is recognized and declared to be a civil right." By asking references questions about their knowledge of a candidate's mental health, the JRC is suggesting that simply being diagnosed with a mental health condition is relevant to whether the candidate would be a worthy addition to the bench. Moreover, even if this information were relevant, attorneys and others whom candidates list as references rarely, if ever, have the training, knowledge, and skills to opine on the candidate's mental health, much less specific diagnoses, treatment, and any accommodations the candidate might need.

Furthermore, eliminating, potentially eliminating, or even casting a cloud over judicial candidates with mental health disabilities from consideration undermines the WSBA's professed commitment to diversity in the legal profession, including diversity on the bench. Several years ago, the Washington State Minority and Justice Commission surveyed several judges and asked them why they believed diversity is important to the bench and to the judicial system as a whole. As one judge explained, "[d]iversity among the judges...helps to dispel stereotypes and misconceptions held not only by judges who may view articulate people of color or individuals with disabilities as an exception, but also helps to dispel such stereotypes and misconceptions among members of the public." Washington State Minority and Justice Commission, *Building a Diverse Court: A Guide to Recruitment and Retention* (September 2002) at 70, available at <https://www.courts.wa.gov/committee/pdf/WaMJCCCompleteManual0403.pdf>. And, many judges believed that a diverse bench "presents an opportunity for judges and judicial staff to share concepts and ideas lending a broader perspective to the decision-making process." *Id.*

It is important to note that Criteria No. 4 makes a point of asking, "[h]as the applicant exhibited biases against any group or class of citizens?" but it is troubling that the next criteria, Criteria No. 5, asks: "Is the applicant willing to and physically, mentally, and emotionally capable of sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?" As noted above, people with disabilities are a protected class under federal and state law. There is no reason why committee members should be asking questions that exhibit bias towards people with disabilities and at the same time, evaluate candidates on the basis of whether they have such biases.

The Code of Judicial Conduct is the proper standard against which judicial candidates' competence should be evaluated. Questions about a candidate's mental health or perceived mental health are unnecessary to determine if a candidate meets the CJC standards. There is nothing in the CJC which suggests that people with disabilities are incapable of performing their judicial duties. Rather, the CJC requires judges to perform their judicial and administrative duties "competently and diligently." CJC 2.5(A) "Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office." Cmt. 1, CJC 2.5(A). Further, the CJC provides guidelines to address situations where a judge has a reasonable belief that another judge's performance "is impaired by drugs or alcohol, or by a mental, emotional, or physical condition." CJC 2.14. "Appropriate action" to take in such situations may include speaking directly to the judge, notifying their supervisor, or making a "confidential referral" to a judicial assistance program. Cmt. 1, CJC 2.14.

The CJC also prohibits judges from affiliating with organizations "that practice[] invidious discrimination" on the bases of any "classification protected by law." CJC 3.6(A). "A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the

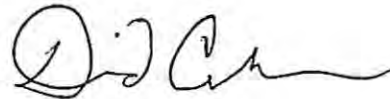
appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary." Cmt. 1, CJC 3.6. It makes no sense, then, that judicial candidates should be evaluated based on a process that is explicitly discriminatory against people with disabilities, a protected class.

There are many county, minority, and specialty bar associations in Washington that evaluate judicial candidates and provide information to the Governor's office to assist with the judicial selection process. WSBA, whose stated mission is "to ensure the integrity of the legal profession, and to champion justice," is in the position to set the standard for the judicial evaluation process in Washington. We hope that you will take this opportunity to consider what message is sent when the regulatory agency that oversees the legal profession in Washington asks questions regarding judicial candidates that violate federal and state law and increase stigma. We are happy to meet with you and explain further why we believe these discriminatory practices should be discontinued.

Sincerely,



Merf Ehman
Executive Director
Columbia Legal Services



David Carlson
Director of Advocacy,
Disability Rights Washington

cc: Alec Stephens, Board of Governors Liaison to the Judicial Recommendation Committee
Paul Swegle, Board of Governors Liaison to the Judicial Recommendation Committee
Paula Littlewood, Executive Director
Sanjay Walvekar, Staff Liaison to the Judicial Recommendation Committee
Kathryn Leathers, General Counsel to Governor Jay Inslee

May 2, 2018

Chief Justice Mary Fairhurst
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Fairhurst:

Thank you, and all members of the Court, for meeting with the Practice of Law Board (PLB) on April 5, 2018. The PLB is grateful for the Court's guidance, supervision and time. During this meeting, the Board discussed its intent to request funds for the development and launch of the Legal Health Check Up web application. The web application will be based on the paper version of the Legal Health Check Up that the Board shared with the Court during the April 5th meeting and an extensive list of resources and information that that Board is developing. This letter is a written request for those funds.

From preliminary discussion with the vendor we mentioned at the April 5th meeting, we estimate the cost to be around \$20,000. We plan to issue an RFP in early May and if the costs for the selected vendor exceed \$20,000, we will seek funding from other sources. If the cost of the proposal selected is less than \$20,000, we will seek guidance from the Court on disposition of any unexpended funds. Thus, \$20,000 is the amount the Board is requesting from the Court. We plan to identify and contract with a vendor before June 30, 2018.

Please contact me if you need more information or have any questions regarding this request.

Thank you.



Hon. Paul Bastine, ret., Chair

cc: Paula Littlewood, Executive Director WSBA
William Pickett, WSBA President



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

May 10, 2018

Paula Littlewood, Executive Director
Washington State Bar Association
1325 4th Avenue, Ste. 600
Seattle, WA 98101-2539

Stephen R. Crossland
Chair, Limited License Legal Technician Board
305 Aplets Way
Cashmere, WA 98815-0566

Re: Suggested amendment to APR 28 and related regulations, Limited License Legal Technician (LLLT) Rules of Professional Conduct (RPC), and lawyer RPCs as proposed by the LLLT Board

Dear Ms. ^{*Paula*} Littlewood and Mr. Crossland:

The court discussed the LLLT Board's suggested amendment to APR 28 and related regulations, the LLLT RPC, and lawyer RPCs at its April 4, 2018 and May 2, 2018 administrative en banc conferences. On May 2, 2018, the court voted to refer the LLLT Board's suggested amendments to the court's Rules Committee. Justice Charles Johnson, the Rules Committee chair, and Shannon Hinchcliffe both received the documents that have been forwarded to me.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

cc: Justices
William D. Pickett, President WSBA
Shannon Hinchcliffe, AOC

The Supreme Court
State of Washington

MARY E. FAIRHURST
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May 10, 2018

Paula Littlewood, Executive Director
Washington State Bar Association
1325 4th Avenue, Ste. 600
Seattle, WA 98101-2539

Honorable Paul Bastine (Ret.)
Chair, Practice of Law Board
c/o Washington State Bar Association
1325 4th Avenue, Ste. 600
Seattle, WA 98101-2539

Re: Suggested amendment to GR 25 submitted by Practice of Law Board

Dear Ms.  Littlewood and Judge Bastine:

I received the Practice of Law Board's suggested amendment to GR 25 via e-mail on April 3, 2018 and placed the matter on the court's May 2, 2018 administrative en banc conference for discussion. The court voted to refer the suggested amendment to the court's Rules Committee. The letter and documents have been forwarded to Justice Charles Johnson, Chair of the Rules Committee, and Shannon Hinchcliffe.

Very truly yours,



MARY E. FAIRHURST
Chief Justice

cc: Justices
William D. Pickett, President WSBA
Shannon Hinchcliffe, AOC

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

April 3, 2018

Honorable Chris Lanese,

My sincere appreciation for swearing me in as WSBA President on March 19. Our former President had unexpectedly resigned over the weekend, which prompted a similarly unexpected call to you the following Monday requesting a same-day administration of the oath of office. You volunteered your time with grace, flexibility, and goodwill—I hope to follow your standard as I embark on my new leadership role. With your confirmation, I look forward to the next 18 months serving the legal profession. Thank you for standing beside me (at least via telephone!) in my first official act as President.

Peace,



WSBA President Bill Pickett



Edward D. Campbell

Attorney at Law

8501 12th Avenue Northwest, 404
Seattle, Washington
98117 3364

April 19, 2018

shes@seanet.com

206 913 8267

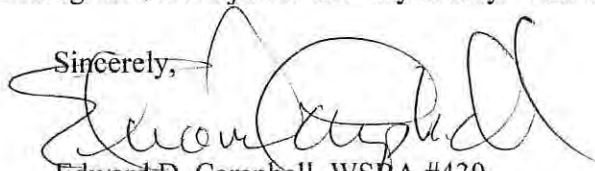
APR 23 2018

Board of Governors
Washington State Bar Association
1325 4th Ave, Ste 600
Seattle, WA 98101-2539

Greetings:

Yesterday I paid the total bill for the 2018 license fee together with the usurious late charge and have not waived my objection to that late charge. I paid it with my debit card on line rather than sending in a check, You then added another charge of \$15.34 just to take my money. This also is outrageous.

Sincerely,



Edward D. Campbell, WSBA #439

cc: Supreme Court of the State of Washington
Northwest Lawyer

EDC:edc

Kenneth O. Eikenberry
Former Active Member of WSBA
4108 Stonehaven Lane SE
Olympia, WA 98501

APR 30 2018

April 26, 2018

Mr. Bill Pickett, President
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101 – 2539

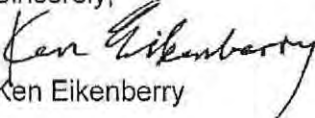
Dear Mr. Pickett,

By Email dated April 25, 2018 you have expressed yourself on the issue of member contacts. Here is another issue: a vote by the WSBA Membership on the amount of dues.

The Supreme Court of the State of Washington has declared that the dues increase announced by the WSBA Board of Governors for 2018 was "reasonable", and that a petition seeking a vote of the WSBA Membership was "unreasonable". This declaration or order was made without any notice having been given to any of the petitioners. It is suspected that the only parties aware of the pending order were from the WSBA Administration. This is one of the reasons I have ended my Active Membership in the WSBA effective January 1, 2018 -- after more than 50 years.

There was plenty of good reason for circulating the petition. At a hearing before a State Senate committee Chaired by Senator Padden, the WSBA staff presented a chart which alleged that at least 28% of the expenses were of "Non-Mandatory" nature. Actually, the Non-Mandatory category could be expanded or contracted according to the goals and purposes of the WSBA. Indeed, I question whether the number and alleged constituencies of the Board of Governors is valid. Also, I question whether the various activities of the WSBA staff is valid.

Sincerely,


Ken Eikenberry

April 30, 2018

The Honorable Mary Fairhurst
Washington State Supreme Court Chief Justice
Temple of Justice
P.O. Box 40929
Olympia, WA 98504

Re: Suggested Amendments to APR 28

Dear Chief Justice Fairhurst:

I write on behalf of the Limited License Legal Technician Board (LLLT Board) to respond to and address some of the concerns raised by Ms. Jean Cotton's April 17, 2018, letter to the Court. First, to clarify, LLLT proponents did not intentionally make misleading assertions during early stage discussions of the license, nor have they since then. The fact that current APR 28 and related regulations are broader than originally described in 2004 is the result of comprehensive considerations and deliberations. The proposed changes are the natural evolution of a new profession and a necessary expansion to provide better access to justice while keeping the license accessible, affordable, and academically rigorous.

The LLLT Board is not "tone-deaf" or "dismissive of concerns" related to the LLLT license. In fact, the LLLT Board values input and seeks comments and feedback for improving the existing family law practice area and developing new practice areas, which is how we arrived at recommending the suggested enhancements to the rule. Furthermore, the LLLT Board acted with purposeful caution with this important development. The LLLT Board began discussions related to the suggested amendments in late 2014 in response to questions and concerns from law school professors who were teaching the LLLT practice area classes. The Family Law Advisory Workgroup¹ of the LLLT Board studied the issues raised by the professors and by students in the LLLT classes, practicing LLLTs, and lawyers working with LLLTs and made recommendations to

¹ Members of the workgroup and invited subject matter experts that reviewed APR 28 and the scope of the family law practice area included Lupe Artiga, Rita Bender, Professor Karen Boxx, Jeanne Dawes, Ellen Dial, Lynn Fleischbein, Nancy Ivarinen (Chair), Professor Gail Hammer, Professor Patricia Kuszler, Ruth Walsh McIntyre, Jennifer Petersen, and Professor Terry Price.



the LLLT Board. The LLLT Board then posted the suggested amendments to APR 28 on the WSBA website and solicited comments between May and July 2017. Finally, the Family Law Advisory Workgroup reviewed over 30 comments, as well as informal feedback from the Access to Justice Board's Rules Committee and modified the suggested amendments where it deemed necessary before submitting them to the LLLT Board for approval and the Court for consideration.

Finally, it might be the belief of some proponents, but the LLLT Board does not maintain that the LLLT license was intended to be the "savior of the legal profession." To the contrary, the LLLT Board strongly believes that LLLTs are only one piece of the puzzle in the seemingly endless quest for access to justice for all. LLLTs alone will not solve the access to justice crisis, but neither will lawyers alone; the unmet need is far too great. Lawyers are invaluable, but not every legal problem requires a lawyer and not every client can afford one. LLLTs can provide meaningful assistance to this growing number of clients.

The LLLT Board now responds to Ms. Cotton's main contentions:

1. LLLTs Will Not Represent Clients in Court and Other Proceedings, Only Assist Clients as Pro Se Litigants

Quoting two articles written in 2008, Ms. Cotton points out that proponents asserted that LLLTs would never be able to represent clients in court hearings or negotiate a case. While the LLLT Board appreciates the original intent and limitations of the license, it is impossible to completely foresee the evolution of a profession. It would be particularly unfair to LLLT clients to halt any future enhancement solely to avoid contradicting ten-year-old statements regarding the original intent of the license. The law evolves and so should the practice of law.

LLLTs have shared stories of sitting in court, unable to speak, while the client inaccurately describes steps taken or relevant legal issues. Or a client is there alone and attempts to relay later to the LLLT what transpired but is unable to do so because they are confused or unclear. Preventing LLLTs from assisting in court furthers the confusion, delay and disadvantage affecting pro se litigants. The recent ABA Journal article, *Legal technicians belong in courtrooms*, provided to the Court as an attachment to this letter, further highlights the need for courtroom assistance.

To address the substance of Ms. Cotton's concerns, while the suggested amendments to APR 28 enhance the initial scope of representation, these amendments would not allow LLLTs to represent a client in a court or tribunal as a lawyer would, and LLLT clients will continue to be



considered pro se litigants. The following serves to illustrate some of the safeguards that would be preserved or created by the suggested amendments:

- LLLTs are prohibited from conducting or defending depositions;
- LLLTs cannot initiate or respond to an appeal to an appellate court;
- LLLTs may provide services regarding division of real property only in matters where the real property is a single family residential dwelling with owner equity less than or equal to twice the homestead exemption. LLLTs must follow strict guidelines in that property division, using a form developed by the LLLT Board;
- LLLTs may advise as to the allocation of retirement assets for defined contribution plans with a value less than the homestead exemption;
- LLLTs are prohibited from preparing QDROs or supplemental orders dividing retirement assets;
- LLLTs are limited to responding to direct questions from the court or tribunal regarding factual and procedural issues only;
- LLLTs are prohibited from providing legal assistance with objections or responses in contested relocation actions.

2. Financial Information

Ms. Cotton is correct in stating that the administration of the LLLT license and functions of the LLLT Board are funded by license fees. The fact that the administration of the LLLT program is primarily funded by license fees is unrelated to the suggested enhancements. The license exists; there currently are 36 LLLTs and more people are preparing to get a LLLT license every year.

Regarding statements made concerning the Limited Practice Officer program, the LLLT Board is not in a position to evaluate and make comparisons to a program that it does not oversee. However, it should be noted that when the LPO license was created, many of those individuals who were later licensed were already performing the services, so there was no need to develop educational requirements prior to licensing those people. A relatively large number of LPOs were grandfathered in and simply needed to obtain the license.

3. LLLTs Do Not Diminish a Lawyer's Role

The LLLT Board understands that while some lawyers see the LLLT license as a threat to their livelihood, the LLLT Board also understands that there are other reasons for opposing the LLLT license. The LLLT Board values those opinions. In fact, the LLLT Board has sought and continues to seek comments from opponents as well as proponents of the LLLT license.



What cannot be ignored are the thousands of people in the State of Washington who simply cannot afford a lawyer (and many who cannot afford a LLLT). It is the obligation of all lawyers and the Bar to find options for all citizens. It is highly unlikely that the government will provide the substantive amount of money that would be required to fund civil legal aid providers or courthouse facilitators to adequately meet the need. The profession needs to evolve to include an array of legal professionals who can meet the varied needs of clients. The Court adopted the LLLT license in order to provide greater access by the public to trained and licensed legal professionals. The suggested amendments further this goal by allowing LLLTs to provide more comprehensive services to their pro se clients. The LLLT Board therefore urges the Court to adopt the suggested amendments to improve LLLTs' ability to render efficient and effective legal services to pro se clients.

Respectfully,



Stephen R. Crossland
Chair, Limited License Legal Technician Board

attachment

cc: Justices of the Washington Supreme Court
WSBA Board of Governors





pump up the volume



NEWS~ IN-DEPTH~ BLAWGS~ ABOUT~

Home / Daily News / Legal technicians belong in courtrooms

ACCESS TO JUSTICE

Legal technicians belong in courtrooms

BY MARY JUETTEN

POSTED APRIL 13, 2018, 7:00 AM CDT



Mary Juetten

One of the constant criticisms of the Washington limited license legal technician is that there only around 30 licensed technicians so far—even though the program is still in its infancy. A second challenge is that, currently, the LLLT cannot represent a client in court.

In many jurisdictions that are considering LTs, or something similar, the impetus is not just to deter the unauthorized practice of law and protect consumers but to also reduce the number of unrepresented litigants. Here, I will examine the apparent contradiction to reduce this unrepresented number with programs that recommend creation of LTs that cannot represent clients by comparing the proposed LT programs in Oregon and Utah with the New York City Court Navigator Program and the Ontario, Canada, paralegal program.

U.S. COURT BOTTLENECKS: ALLOW NONLAWYERS IN COURT

States like Oregon and Utah have studied Washington in developing their proposed LT programs. However both have stopped short of recommending that nonlawyers be allowed to appear on behalf of clients in court. On a continuum, it appears that Utah has decided that LTs cannot attend court and Oregon has proposed to allow LT attendance but has not gone as far as the NYC CNP.

NYC launched the CNP in February 2014, using nonlawyers to support and assist unrepresented litigants during their court appearances in landlord-tenant and consumer debt cases. Court Navigators, who have special training and are supervised, give general information, written materials and one-on-one assistance. Also, Court Navigators provide moral support, assist with court forms, help keep paperwork orderly, access interpreters and explain the court process to litigants, including the roles of everyone in the courtroom (<https://www.nycourts.gov/courts/nyc/housing/rap.shtml>). The Court Navigator is also permitted into the

courtroom in the Bronx, New York, Kings, and Queens County Housing Court and Bronx Civil Court to respond to factual questions asked by the judge but not to represent clients in the traditional lawyer sense. The program has been a success as reported in this 2016 American Bar Foundation report

(http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_executive_summary_final_with_final_links_december_2016.pdf), and most importantly, the clients benefit.

The statistics in the 2015 Utah Supreme Court Task Force to Examine Limited Legal Licensing report ([http://www.utcourts.gov/committees/limited_legal/Supreme Court Task Force to Examine Limited Legal Licensing.pdf](http://www.utcourts.gov/committees/limited_legal/Supreme_Court_Task_Force_to_Examine_Limited_Legal_Licensing.pdf)) identify the need for courtroom help with the top three categories outlined below:

- Debt Collection: Of 67,510 cases, 98 percent of respondents were self-represented, and all petitioners had counsel.
- Eviction: Of 7,465 cases, 96 percent of respondents were self-represented, and 87 percent of petitioners had counsel.
- Divorce / annulment: Of 13,227 cases, 80 percent of respondents were self-represented, and only 48 percent of petitioners had counsel.

There is clearly a lopsided or David-and-Goliath issue with the first two categories, which is problematic. The situation with family law issues, however, is even worse, as oftentimes, both parties are unrepresented. Although Utah does propose a LT (licensed paralegal practitioner) in each of the above areas, that LT will *not* be allowed into court, even to sit with the litigant. The Utah task force seems to rely on the definition of the practice of law, which is so broad that the rationale from their report below can fit:

Unless there is an approved form, moving beyond "information, opinions or recommendations" to counsel and advice should be reserved for a licensed lawyer. Just as diagnosis of a symptom's cause is at the core of the physician's role, recognizing that a person's circumstance creates legally enforceable obligations, rights and remedies is at the heart of what lawyers do. Lawyers, also like doctors, should be the only professionals authorized to advise on a course of action, and assist in completing that course of action.

The above seems to ignore the idea of the CNP or the LT performing some of the exclusive "lawyer" functions, creating something akin to the nurse practitioner or paramedic. The medical profession has not held onto all the functions and allows others with proper training and certifications to perform various medical tasks.

I spoke with Utah Supreme Court Justice Constandinos "Deno" Himonas because the program has not yet rolled out in Utah, but he hopes for a fall implementation with the education component launching then.

"I can't speak for others, but my sense was that there wasn't a great deal of momentum on the committees to allow the [licensed paralegal practitioners] to represent their clients in court," he says. "Perhaps it would make sense to allow for such representation—I've been told that Washington is rethinking their position on this issue; perhaps not. It's certainly something the court could consider in the future if post-adoption evaluations of the LPP program warrant."

More recently, in November 2017, Oregon released its initial recommendations (http://www.osbar.org/_docs/resources/2017FuturesTFSummary/offline/download.pdf) on paraprofessionals for family law and landlord-tenant proceedings. Recommendation 1.9 proposes the permitted LT activities, including form selection and preparation plus provision of information and advice. As proposed, the LT would be able to communicate and negotiate with the

opponent and give emotional and administrative support in court. So, Oregon could possibly go further than Utah to let the LT provide a supporting role in court, but would not allow for actual representation at depositions, in court or on appeal.

I discussed some of the findings around the need for LTs as opposed to lawyers with John Grant of The Agile Attorney Network (<https://agileattorney.com/>). John co-chaired the Oregon State Bar Futures Task Force and is a current member of the bar's board of governors. He explained that like many other states, "Oregon has been promoting pro bono service for at least a generation, but the access-to-justice gap keeps growing" as self-represented litigants top 80 percent for family law and landlord-tenant. Further, the Oregon report cited the possibility that lawyers and LTs would work together, much like Arizona's certified legal document preparers and attorneys, as I discussed last time

(http://www.abajournal.com/news/article/integrating_paraprofessionals_into_practice_part_iii).

John explained that the services being provided by LTs would not take work away from lawyers, "especially since the number of lawyers in Oregon is projected to decline over the next decade as baby boomers retire, which will only make the A2J gap worse." The challenge of the underemployed lawyer, particularly the solo attorney, is really based on mismatch of the services being offered at high-rates and the needs and ability to pay of the average citizen. New lawyers are saddled with law school debt and therefore struggle to serve the population by either lowering rates or developing new business models.

"Something has to change to provide meaningful legal services to the more than 1.2 million Oregonians who are not being served by lawyers today," John explains. "We lawyers need to consider the possibility that we are simultaneously doing excellent work for the clients we have and yet still failing large swaths of society as a whole. For lawyers to largely abandon entire segments of the population but then lock the gates to the marketplace behind us is borderline unconscionable."

As far as timelines: "Oregon does plan to move forward with licensing paraprofessionals," said Helen Hirschbiel, executive director of the Oregon State Bar. "The exact form that will take is still up for discussion as the implementation committee does its work."

At least one candidate for Oregon's recent House of Delegates election expressly stated her opposition to the program. It will be interesting to see how long it takes before LT programs are launched in both Utah and Oregon.

LOOK OUTSIDE THE U.S. FOR SUCCESS IN NONLAWYERS IN COURT

Over a decade ago in Canada, in 2007 the province of Ontario brought paralegal or legal services provider regulation under its version of the bar association, The Law Society of Ontario (<https://www.lsuc.on.ca/>). Diana Miles, now CEO of LSO, was involved when the Ontario, Canada, program started. Diana commented that although the main objective was to have the Law Society maintain regulatory control over LSPs with a structured program, a secondary goal was to alleviate court congestion by resolving matters prior to litigation. However, these LSPs are allowed to represent clients in court in very specific situations, such as matters before the small claims court, provincial boards and agencies, and matters (such as driving offenses) before the Ontario Court of Justice. Their education, training and examinations are very different from the education, training and examinations required to become a lawyer, but LSO oversees the entire LSP profession

(<http://www.lsuc.on.ca/licensingprocessparalegal/>).

Today there are some 9,000 LSP with licenses, and although only half are active, they have solved thousands of clients' legal problems. In 2012, a five-year review (<http://lawsocietygazette.ca/wp-content/uploads/2012/07/Paralegal-5-year-Review.pdf>) of the LSP found that the program was a success, and "provided consumer protection while maintaining access to

justice.” In fact, in 2016 it was recommended that the LSP expand into family law, and that proposal is still under review. Letting go of the monopoly has not destroyed Ontario’s legal profession and consumers were not harmed.

It’s interesting that the Ontario LSPs require 120 hours of field work, as well as study at an accredited college—not law school—and are allowed into court. On the other hand, the Washington LLLT must attend law school CLE classes at great expense and complete 3,000 hours as discussed here

(http://www.abajournal.com/news/article/the_limited_license_legal_technician_story_start_with_why) and are not allowed into court. Oregon has reduced the hours but still proposes a 1,500-hour practicum. It still seems like the U.S. programs are protecting lawyers, but ironically, clients are not hiring lawyers for this work, nor do lawyers wish to take on these cases.

I believe that the LT programs in states like Oregon and Utah should allow for limited representation to help alleviate the bottlenecks and burden on the courts, at least as much as the NYC CNP. We could learn much from the success of Ontario’s LSPs in terms of scope and education. Of course, this requires change to regulation, education, and certification in each and every state. However, given the statistics above, clients will continue to represent themselves, and therefore we need an alternative to lawyers as one piece of our access-to-justice solution.

While writing this piece, one of Washington’s LLLT reached out to invite me to a Washington State Bar meeting where the control of the LLLT board was to be amended. Unfortunately, that could mean that proposals to expand the LLLT scope to include any type of court appearance may be rejected. As I have stated in this series, lawyers must embrace this change as an expansion of the industry, not cling to their monopoly while citing concern for consumers. Next time, in the last installment, I will provide some recommendations on legal technicians in the U.S. and an update on any LLLT changes in Washington state.

Mary E. Juetten, CA, CPA, JD is founder and CEO of Traklight (<http://www.traklight.com/>). In 2015, Mary co-founded Evolve LaW (<http://evolve.lawnow.com/>), an organization for change and technology adoption in the law. She was named to the ABA’s Legal Technology Resource Center 2016 Women in Legal Tech list and the Fastcase 50 Class of 2016. She is the author of (http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true) Small Law Firm KPIs: How to Measure Your Way to Greater Profits (http://legalsolutions.thomsonreuters.com/law-products/Other/Small-Law-Firm-KPIs-How-to-Measure-Your-Way-to-Greater-Profits/p/103744978?trkcode=666584H51426_VAN&trktype=external&ts=true). She is always looking for success stories where technology has been used to bridge the justice gap, from pro-bono through low-bono to non-traditional legal services delivery. Reach out to her on Twitter @maryjuetten (<http://www.twitter.com/maryjuetten>).



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April 17, 2018

The Honorable Mary Fairhurst
Chief Justice
Washington State Supreme Court
Temple of Justice
P. O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to APR 28 and Related LLLT Rules and Regulations

Dear Chief Justice Fairhurst:

I write these comments solely in my capacity as a private individual who is an attorney licensed to practice law in the State of Washington and who is a current attorney member in good standing of the Washington State Bar Association. This letter is not intended to be nor should it be construed to be presented in my capacity as a long-time WSBA Section Leader or as member of any particular entity.

The comments provided in this letter are, therefore, submitted with no ill-will intended but also with the recognition that some will view my statements in that vein. Despite the length of this letter (for which I humbly apologize), what follows is only a fraction of my thoughts and concerns with regard to the issues before the Court and is not intended as an exhaustive statement.

In the tempestuous climate now present in our country, the only shining light to lead us all out of the darkness is respect and protection of the rule of law. As a nation we cannot afford to allow those who would diminish in any way the value of and necessity for a justice system that relies on competent, public-minded, attorneys-at law. Promoting and protecting lawyers does not mean degrading the contributions of paraprofessionals who serve a valuable role as part of our justice system including but not limited to court clerks, legal secretaries, paralegals, courthouse facilitators, and, yes, even LLLTs.

That being said, I do not support the proposed enhancements to the LLLT program being propounded by the LLLT Board nor do I support expanding the program into any other area of law at this time. I respectfully urge the Court not to approve the proposed rule amendments now before it, in part, for the reasons set forth hereafter.

With the latest proposals to “enhance” the rules now pending before the Court, I suggest that it bears revisiting the past to see just how misleading the assertions of the proponents were from the outset and how that trend continues today.

This story began in 2004 when the Practice of Law Board (POLB)¹ was presenting its original package of proposed rules to authorize a legal technician² program to the WSBA Board of Governors (BOG), many promises were made by the proponents that were challenged by the opponents.

¹ The original board overseeing development and implementation of the legal technician program was the Practice of Law Board. With the passage of APR 28 and its companion rules in 2012, that function moved to the Limited Legal Technician Board (“LLLTT Board”).

First, the program was necessary, the proponents said, to fulfill the unmet civil need for the poorest of our state who “could not afford” to hire a lawyer or otherwise have a means to help with preparing documents or understanding procedural matters.

The proponents said such a program for non-lawyer professionals was nothing new and regularly held out the Arizona and California document preparer programs as examples upon which the legal technician program was being based. Neither of those programs allowed the certified document preparers to give case-specific advice nor to exercise independent legal judgment. By 2008 the legal technician program being proposed lacked any similarity to either the Arizona or the California program. The proposal by then had far exceeded the concept of a document preparer and suddenly the characterization of it was changed to being a groundbreaking program the likes of which had never before been seen in the United States.

In the summer of 2008, when the latest version of the POLB’s proposal was to go before the BOG for consideration, four articles – two in support and two in opposition² - were printed in *The Washington State Bar News* July edition. A copy of those articles is attached for the convenience of the reader.

Over the years the proponents have continued to present their version of the facts and perpetuate their prediction that the LLLT program would be the savior of the legal profession with little scrutiny or opportunity for those who challenged the assertions being made.

1. Representing Clients in Court and Other Proceedings.

In his 2008 article Mr. Dallaire stated that “[I]n no circumstances will legal technicians be able to represent clients in court hearings.”³

The co-authors of the second article by the proponents broke down their presentation in a “Myth” vs. “Fact” format. One of their cited “Myths” was that “Legal Technicians will Litigate Cases” which was followed by a “Fact” statement that indicated “[T]he legal technician shall not represent clients in court proceedings or negotiations...”⁴ Later in that same article the co-authors again emphasized that “[T]he legal technicians will not provide representation, in that they cannot appear in court or negotiate a case. What they can do is assist pro se litigants in understanding the pleadings and evidence...”⁵

When finally approved by this Court in 2012, there were safeguards built into the rules and among the nine prohibited acts set forth in APR 28(H) (as well as in the associated APR Appendices and LLLT RPCs) was that, in the course of dealing with clients or prospective clients, a LLLT could not represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process nor could a LLLT negotiate the client’s legal rights or responsibilities nor communicate with another person the client’s position.⁶

² The initial term “legal technician” eventually evolved into what is now called a LLLT, a Limited License Legal Technician.

³ One of the two articles in support of the POLB proposal was authored by ATJ Board member Gregory Dallaire and one co-authored by Rita Bender and retired Judge Paul Bastine, both members of the POLB. One of the two articles in opposition to the proposal was co-authored by then-WSBA President-Elect Mark Johnson and then-BOG member David Heller with the other being written by me as Chair of the Family Law Section.

Those safeguards have all but disappeared in the current proposed amendments now pending before the Court. The LLLT Board is recommending now that LLLTs be permitted to engage in presenting motions in ex parte proceedings and assisting clients and answering factual and procedural questions of the tribunal in court and in alternative dispute resolution proceedings. Further the proposed amendments have removed all prohibition on LLLTs negotiating on behalf of their clients.

One member of the LLLT Board who spoke at the April 2018 meeting with this Court indicated that the need for LLLTs to appear in court and answer questions of the Court would be no different than how a Domestic Violence Advocate operates now and that this was all the LLLTs wanted to do. The problem with that statement is that DV Advocates do not answer questions of the court nor do they speak for their “clients”. In fact, to do so would violate the privilege that protects their communications with their clients as set for in the statutes. They are merely present to provide moral support and hold their client’s hand – they do not advocate to the court for their client, they do not communicate with the opposing party, they do not negotiate on behalf of their client.

There were, and remain unchanged, good reasons why the more complex areas of family law practice such as Qualified Domestic Relations Orders, in court appearances, depositions, negotiating, and the various other prohibited areas were off limits to LLLTs. To allow non-lawyers to practice in these areas solely because they are unable to financially benefit from a practice that, originally, was only intended to allow them to assist in document preparations is unconscionable.

2. Financial Information

From the outset, one of the basic principles for any form of suggested non-lawyer legal services program was that the program have a business model based on financial sustainability. No such business model has ever been provided despite numerous requests over the last ten years.

Turning back to the 2008 articles in the *Washington State Bar News*, the proponents cited as “Myth” that the Legal Technician Rule would be too costly. The “Fact”, they said, was that “the startup expenses are not anticipated to go beyond approximately three years, after which the program should be self-supporting” through fees.^v The article went on to proclaim that the existing Limited Practice Officer (LPO) program was an excellent example of a successful, self-sustaining program that had netted nearly a \$20,000 profit as recently as 2007.

However, in the article co-written by then WSBA President-elect, Mark Johnson, and BOG member David Heller, it was pointed out that “[T]he POLB’s estimate of \$200,000 to start the program, and the assertion that the program will be self-supporting”^{vi} were estimates of the POLB alone as no fiscal analysis had been performed by WSBA nor had any been provided by the POLB that had been conducted by any professional accountant. In the article I wrote, I pointed out that over \$600,000 had already been expended by the POLB since its 2002 inception and that the WSBA treasurer had estimated in 2006 that the pilot project for the legal technician program alone would cost the WSBA approximately \$700,000.^{vii}

While I have not been able to obtain information for the years 2008 through 2010 from the records readily available to me, using the audited financial records of the WSBA I have been able to calculate the expenditures of the POLB between 2011 and 2012 as well as the expenditures of the LLLT Board once it assumed responsibility for the program beginning in 2013. Since 2011, more than one million dollars (\$1,000,000) has been expended on the LLLT program. When adding in the amounts expended pre-2008, that total rises to over \$1.7 million with the budget for 2018 projecting yet another \$254,748 to the potential expenditures – almost all of which has been funded through the use of mandatory license fees

paid by Washington State attorneys-at-law. I say “almost all” because LLLT license fees for the 28 active and 3 inactive LLLTs who have been licensed to date have covered approximately \$ 7,085.50 of this \$1.7 million!

Imagine what could have been done to improve Access to Justice and assist the low income pro se litigants of this state had that \$1.7 million instead been channeled into bolstering the Courthouse Facilitators across the state, contributing to the many voluntary legal services clinics manned by hardworking and dedicated attorneys across the state, producing a set of video instructions accessible to assist pro se litigants in the completion of forms and procedural aspects of court appearances across the state, etc. Just imagine the wider, more useful ways these funds (funds drawn from the mandatory licensing fees paid by lawyers) could have been used to benefit our profession and the public.

In each year since the LLLT program was authorized by this Court, the WSBA budget for the LLLT Board has increased sizably starting in 2013 with a budget of \$125,275, and increasing annually as follows: 2014 = \$133,392; 2015 = \$146,362; 2016 = \$216,358; 2017 = \$221,664; and now 2018 = \$254,748.

The original POLB forecast of the program startup costs being only \$200,000 have proven to be completely untrue as has their proclamation that the program would be being self-sustaining within 2-3 years.

As stated earlier, the proponents of the LLLT program have often cited the LPO program as proof of fiscal sustainability. While it is true that back in 2008 the LPO program was operating in the black, that has not been the case since FY 2015. Since its inception in 1983, there have been 3,201 LPOs licensed. Of that total, current data indicates that 19 have voluntarily resigned, 989 have voluntarily cancelled their licenses, 22 have been suspended, 1,163 licenses have been revoked, 3 have resigned in lieu of discipline, 172 are inactive, 37 have died, and only 796 remain active. Beginning in FY 2015 the LPO program showed a net loss of \$22,580.81 followed by a net loss in FY 2016 of \$59,383.27, and a net loss in FY 2017 of \$10,612.52. For FY 2018 thru December 31, 2017, the program has posted a loss of \$38,799.90 with a budgeted loss for the fiscal year projected to be \$159,182.

If the LPO program, after being in existence for 35 years and having nearly 800 active members, is no longer financially self-supporting, why should anyone believe that a LLLT program with only 28 active members after five years be financially self-supporting within the foreseeable future?

Neither the POLB nor the LLLT Board has ever produced any reliable financial data or statistical information on the fiscal viability of the LLLT program. There has never been a sustainable business model presented – only assurances that it will be sustainable – and there has never been any raw data collected to show the actual number of clients represented, the fees and costs charged to each client, the hourly rate charged by the LLLT, the number of cases referred to attorneys as being beyond the permissible scope of the LLLT program, the operational costs for the LLLTs, and so forth.

First, the POLB said that the program would be sustainable in only 2-3 years with LLLTs functioning merely as “document preparers” serving the low income population of the state identified in the 2003 CLNS as the most in need. Next, the LLLT Board said it would be sustainable (again in only another 2-3 years) but only if expanded to allow the LLLT to give legal advice in very limited and restricted areas of family law. Last year, the LLLT Board for the very first time acknowledged to this Court during its March 2017 annual presentation that expansion was required into other practice areas as family law did not provide enough work/income to sustain a LLLT’s practice and that LLLTs could not be limited to

serving only low income citizens but rather had to represent middle income people in order to provide the LLLTs with enough income. With such expansion, they again predicted the program would be self-sustaining within only 2-3 years.

Most recently, at the April 2018 annual presentation, the LLLT Board confirmed that without expansion into previously prohibited areas of family law such as QDROs, court appearances, and other complex functions as well as expansion into other areas of law such as consumer debt or immigration law, the program would not be sustainable. But, they assured, with approval of the requested enhancements and expanded areas of practice, the program would be self-sustaining in only 2-3 years.

With the current estimate of another 2-3 years to become self-sustaining, the marker has now been moved from roughly 2015 to 2021 – perhaps later. Will it ever end?

3. Disparaging Lawyers

From the beginning, whenever any lawyer or group of lawyers questioned the proposal itself or the nature of the authorities being sought, that lawyer or the group represented has been characterized by the proponents as being merely self-serving to protect their own financial interests rather than expressions of concern for their clients (the public). Any opposition has been characterized as a turf war created by the lawyers. This is so unfair and inappropriately dismissive. Could not the same be said of those on the LLLT Board who work in the educational institutions providing the required courses for LLLT applicants and whose very livelihoods are augmented by (if not dependent on) the existence of the program?

One of the LLLT Board members at the April 2018 meeting said she never wanted to hear the term “non-lawyer” again when referring to LLLTs. Even though the WSBA Executive Director stated in a 2016 presentation she made to the Illinois Supreme Court Commission on Professionalism’s 2Civility conference that in Washington “[W]e do not consider LLLTs non-lawyers” and even though the latest WSBA by-law amendments now call LLLTs “members” of the Washington State Bar Association, the fact is that LLLTs are NOT lawyers and therefore LLLTs are non-lawyers.

If part of the mission of the WSBA and this Court is to protect the public, a responsibility attaches to that mission to assure that the public is appropriately educated to know the difference between a technician and an attorney ... and a huge difference there is.

In conclusion, I urge the Court to not approve the proposed amendments/enhancements to the LLLT rules related to practice in the area of family law and to not allow any expansion of this program to other practice areas without more empirical evidence being provided as to the effectiveness or usefulness of the program as it even now exists.

I thank the Court for taking the time to consider my comments. Should there be any further information the Court desires from me, I stand ready to provide whatever I can to assist in providing same.

Respectfully,


JEAN A. COTTON
Attorney at Law

attachment

Page 6
April 17, 2018
Re: Proposed Amendments to LLLT Rules

cc: Associate Justices of the Washington Supreme Court
WSBA Board of Governors

ⁱ Washington State Bar News, July 2008 edition, pg. 16

ⁱⁱ Washington State Bar News, July 2008 edition, pg. 27

ⁱⁱⁱ Washington State Bar News, July 2008 edition, pg. 28

^{iv} APR 28(H)(5) and (6)

^v Washington State Bar News, July 2008 edition, pg. 27

^{vi} Washington State Bar News, July 2008 edition, pg. 22

^{vii} Washington State Bar News, July 2008 edition, pg. 31



Legal Technicians: Helpful

or Harmful?

In this issue, we continue the debate over a proposed amendment to the Admission to Practice Rules that would allow non-lawyer legal technicians to perform certain tasks for family law clients that can be done only by lawyers under existing law. The June *Bar News* featured an overview of the proposed new rule as well as an accompanying column by WSBA Executive Director Paula Littlewood and WSBA President Stan Bastian. This month's issue contains two articles by proponents and two articles by opponents of the proposal focusing on particular aspects of the rules.

The WSBA Board of Governors will address the proposal at its regular September meeting in Seattle. The board will then communicate its position on the issue to the Washington State Supreme Court, which must decide whether to enact the new rule. The Board of Governors, WSBA officers, and the Supreme Court all wish to hear feedback from WSBA members concerning the proposal. Please take a moment after reading the articles in the June and July issues of *Bar News* to communicate with your representative on the Board of Governors, the Supreme Court, WSBA's Executive Director Paula Littlewood, or WSBA President Stan Bastian. Or, you may e-mail your comments to barnewscomments@wsba.org.

The full text of the proposed rules and other related information is available at www.wsba.org/lawyers/groups/practiceoflaw/default.htm. — M.H., ed.

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In our state, the bar and the judiciary have been concerned for many years about the lack of available resources enabling people to address legal problems in their lives and the lives of their children. The bar's advocacy and support for legal-aid funding in our state has been instrumental in expanding services to low-income people. However, delivering services to those of moderate means has not received the same attention, even though they are frequently visible in our courts as *pro se* litigants.

poverty line nor those of modest means — the work-

... the legal technician rule is designed to help those who cannot come up with even the reduced fees offered by some lawyers. These are people working minimum-wage jobs, seasonal jobs, or a patchwork of part-time employment in an effort to provide food for their families as well as housing, often substandard.

The legal technician rule and regulations would benefit those who are not utterly impoverished but cannot afford to hire an attorney. It is doubtful that for people poor enough to qualify for assistance by legal-service programs — our poorest Washingtonians — the rule would be helpful in addressing the challenges identified in the Supreme Court's Legal Needs Study. Most of these individuals do not have enough money to keep up with the necessities of life such as housing, food, transportation, and health services, let alone afford to hire a lawyer or a paralegal. On the other hand, people who can afford a lawyer will always get one, given that a lawyer can do everything needed to represent a client and resolve a matter. Many lawyers, particularly in small or solo practices, charge people of limited means a relatively low fee, and that will continue.

up with even the reduced fees offered by some lawyers. These are people working minimum-wage jobs, seasonal jobs, or a patchwork of part-time employment in an effort to provide food for their families as well as housing, often substandard. When a legal crisis arises, they either must try to handle it themselves, without any understanding of the legal framework involved, or turn to unregulated "paralegals" or others offering their services. Increasingly, people of limited means are being victimized by unscrupulous individuals providing ineffective and sometimes unethical services to the desperate. These individuals claim to have the expertise to provide legal assistance, at a price. Although this situation has proliferated in several areas of practice, it seems most rampant with regard to family law and, in Eastern Washington, with unlicensed "notario" services.

The Practice of Law Board has recommended that the people who qualify as technicians would be certified only for limited practice in certain specific areas of family law (RCW 26). The proposal has strict limitations as to the subject matter within Title 26 as well as the services that may be performed by the technician.

Legal technicians will be required to attend an approved course of study and thereafter pass an examination in the legal area of practice. Furthermore, in order to practice, a technician will be required to provide a variety of safeguards to consumers of the services, including entering into a written contract which permits rescission at any time, full refund

The proposed legal technician rule incorporates the ethical standards applicable to lawyers and imports the same requirements for the handling of client funds that are imposed upon lawyers. All legal technicians must comply with all of the terms and conditions of the APR, except where the Rules of Professional Conduct are inapplicable. This is a far cry from the current unregulated practice by non-lawyers, in which there has been no enforcement of the rules that bind lawyers regarding such things as safeguarding client funds and documents, and abiding by the ethical precepts of law practice.

The proposed legal technician rule incorporates the ethical standards applicable to lawyers and imports the same requirements for the handling of client funds that are imposed upon lawyers.

Why, then, should WSBA members support the creation of the proposed legal technician rule and regulations? Because after years of trying to fulfill our professional responsibilities to address the enormous unmet legal needs of the poor and the near poor, we are not meeting the

challenge. The problem is just too big for solution without supplemental resources born of creative thinking. Certified technicians will not, and should not, take the place of lawyers. We have the training and experience, the depth of knowledge, to reach for relief for our clients that paraprofessionals do not have. But just as a combination of nurses, nurse practitioners, and EMTs augment the resources available to patients of MDs, trained, tested, and certified legal technicians can supplement the resources available to the segment of the public that falls between free legal aid and those who have the resources to retain private counsel.

Legal technicians will be able to practice within the confines of a law firm or a nonprofit agency or perhaps even in a courthouse, where they would be available to provide the limited services for which they are trained — thus freeing up lawyers to provide the more sophisticated representation only they can offer. The rule also will permit technicians to provide limited service outside the confines of an agency or law firm. In no circumstance will legal technicians be able to represent clients in court hearings. But they will serve an important function in providing accurate information on court procedure, forms, and meaningful use of

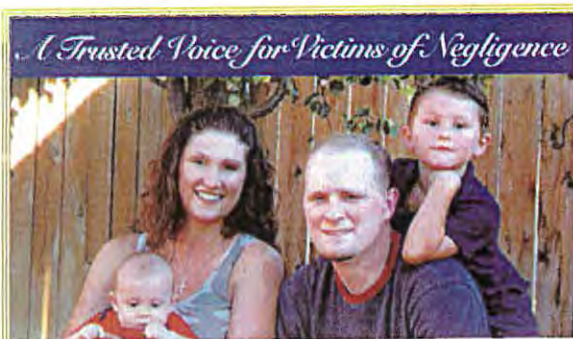
exhibits or witnesses. My experience tells me that judges who have to deal with unrepresented people will welcome this new resource. It will also be particularly

Why, then, should WSBA members support the creation of the proposed legal technician rule and regulations? Because after years of trying to fulfill our professional responsibilities to address the enormous unmet legal needs of the poor and the near poor, we are not meeting the challenge.

appreciated by other judicial officers who are frequently faced with the dilemma of trying to assist a *pro se* party without giving legal advice.

In the May Bar News, WSBA President Stan Bastian correctly observed that, "Lawyers have a monopoly on the practice of law." This unique economic circumstance places a special responsibility on us. The enactment by the Supreme Court of the proposed legal technician rule and regulations will not eliminate the problem of the paucity of legal representation for those who cannot afford an attorney. But it can be one means of expanding resources so that attorneys may be used in the most efficient manner to provide the most urgent service and help their clients experience some positive aspects of our system of justice. ☺

Gregory R. Dallaire is a member of the Access to Justice Board and chairs the Access to Justice Board's State Plan Oversight Committee. He was the founding director of Evergreen Legal Services in 1976. Before then, he managed legal services programs in Oakland, Seattle, and the state of Georgia. In 1985, he moved to the commercial law firm of Garvey, Schubert and Bares, where he was the managing director until his retirement in 2002.



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Foundations of Freedom Civics Pamphlet Available



The WSBA has created a consumer-information pamphlet called "Foundations of Freedom" that covers the basics of American government and democracy.

The pamphlet describes the rule of law, the separation of powers, checks and balances, and judicial independence. It also includes a short quiz and a list of useful websites.

Lawyers and judges are encouraged to bring the pamphlet with them when they speak to students or the public in schools, courtrooms, and community centers. Teachers may also request the pamphlet for classroom use.

The WSBA can provide reasonable numbers of copies at no charge, or the pamphlet may be downloaded from the WSBA website at www.wsba.org/public/consumer. Requests for copies should be directed to Pam Inglesby at pami@wsba.org.

Cowan Kirk Gaston are pleased to announce our firm's name change and to introduce Matthew Knauss, our newest associate.

Matthew Knauss has most recently been a prosecuting attorney for the cities of Kirkland, Medina and Clyde Hill, where he emphasized the prosecution of DUI charges.



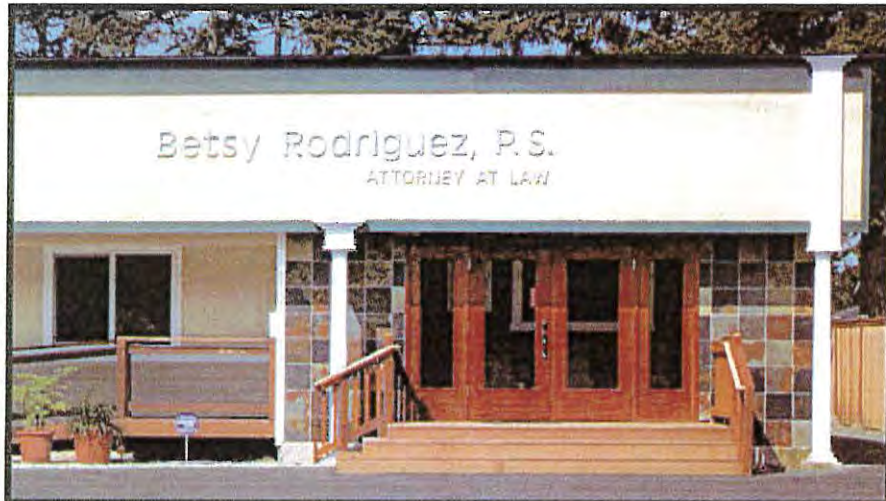
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The Washington State Supreme Court Should Decline to Adopt the Family Law Legal Technician Proposal

BY MARK A. JOHNSON AND DAVID S. HELLER

Lawyers, above all other professionals, should be able to debate and decide difficult issues without resort to fallacious arguments or personal attacks. Although the Practice of Law Board's (POLB) Family Law Legal Technicians Program (FLLTP) is a contentious issue, it is appropriate to debate method and manner only; it is not appropriate to attack motives. Justice is our goal, and we can achieve justice only through reasoned and ethical debate.

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The Proposed Family Law Legal Technicians Program

If the POLB's proposal were adopted by the Washington State Supreme Court, it would represent a landmark change in the practice of law. It would create the profession of family law legal technicians (FLLTs), non-lawyer legal representatives who would be permitted to have autonomous offices, direct relationships with clients, and, at times, assist those clients in adversarial proceedings (including domestic-violence issues) in which the opposing party is represented by an attorney. They would be permitted to exercise independent legal judgment. The proposed rules would permit a FLLT to:

- 1) Ascertain whether the problem is within the defined practice area of family law, and, if so, obtain relevant facts, and explain the relevancy of such information to the client....
- 5) Review pleadings or exhibits presented by the client from the opposing party, and explain the documents, and...
- 8) Advise the client as to other documents which may be necessary (such as exhibits, witness declarations, or party declarations) and explain how such additional documents or pleadings may effect the client's case....

(See, POLB Proposed Admission to Practice Rules, Exhibit A to Steve Crossland letter to Chief Justice Gerry Alexander, January 7, 2008; hereafter "Crossland Letter"; www.wsba.org/reporttocourt.pdf.)

The Crossland Letter cites the Arizona Legal Document Preparers Program, implemented in 2003 by the Arizona Supreme Court, and the California Legal Document Assistant Program, instituted in 1998, as programs which have reduced the cost of obtaining

divorces. (*Ibid.*) Proponents of the Washington FLLT proposal point to these programs in support of their arguments. However, it should be noted that the programs in Arizona and California give narrower authority to the non-lawyer practitioners than the Washington program would grant to FLLTs.

Is it probable that many top-notch, college-educated paralegals would leave multi-year employment with a law firm to set up a legal technician office in a single, restricted area of law?

The Arizona program permits certified document preparers (CDPs) to assist with completing pre-printed forms and providing general factual information. CDPs are *not* allowed to give case-specific advice nor exercise independent legal judgment ("...may not provide any kind of specific advice, opinion, or recommendation to a consumer about possible legal rights, remedies, defenses,

options, or strategies..."). (See Arizona Code of Judicial Administration Part 7, Chapter 2, Section 7-208 F.1 a-e: Role and Responsibilities of Certificate Holders.)

The California program allows legal document assistants (LDAs) to provide "self-help service to a member of the public who is representing himself or herself in a legal matter." (Cal. Bus. & Prof. Code, Section 6400, subd. (a).) "Self-help" service is defined as:

Completing legal documents in a ministerial manner, selected by a person who is representing himself or herself in a legal matter, by typing or otherwise completing the documents at the person's specific direction. (Cal. Bus. & Prof. Code, Section 6400, subd. (d)(1)).

Providing general published factual information that has been written or approved by an attorney, pertaining to legal procedures, rights, or obligations to a person who is representing himself or herself in a legal matter, to assist the person in representing himself or herself. This service in and of itself, does not require registration as a legal document assistant. (Cal. Bus. & Prof. Code,

Section 6400, subd. (d)(2)).

Making published legal documents available to a person who is representing himself or herself in a legal matter. (Cal. Bus. & Prof. Code, Section 6400, subd. (d)(3)).

Filing and serving legal forms and documents at the specific direction of a person who is representing himself or herself in a legal matter. (Cal. Bus. & Prof. Code, Section 6400, subd. (d)(4)).

Thus, unlike the proposal in our state, neither the Arizona nor the California program permits the exercise of independent legal judgment, case-specific advice, nor advice regarding necessary evidence.

The FLLTP Will Not Attract a Sufficient Number of People to the Program to Make an Appreciable Reduction in the Family Law Legal Services Gap

Although the POLB's proposed rules are based upon the assumption that the knowledge, training, and legal judgment of a lawyer are not necessary in every family law matter, the POLB actually did recognize that many family law matters should be excluded from FLLT services or provided by FLLTs only under the "direct and active supervision" of a lawyer or after the FLLT's work has been "reviewed and approved" by a lawyer. The list of excluded and/or supervisory-required services is, justifiably, broad, and includes divorces involving business property, pensions, and transfer of real estate. (For a complete list of permitted and excluded activities, see Crossland Letter, pp. 3-5.) The POLB thus acknowledges that attorney representation or supervision is necessary in many family law matters.

But the concomitant reduction of FLLT income that would result from these practice restrictions militates against the probability that the program could attract a sufficient number of FLLTs to effect an appreciable reduction in the services gap. Also, given the number of tasks that must be performed under the direct and active supervision of a lawyer (who would charge for the work), the cost savings assumption itself is frail.

Moreover, just as the POLB appropriately excluded FLLTs from representing clients in many family law matters, the POLB also chose to require FLLTs to be highly educated. A certified FLLT must graduate from an ABA-accredited (or FLLT Commission-approved) paralegal program

of 90 quarter hours, and have an associate's degree, a bachelor's or higher degree, or a certificate in paralegal studies. Furthermore, depending upon the FLLT's level of education, two or three years of experience as a paralegal or legal assistant is required. (Crossland Letter, p. 9.) Is it probable that

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many top-notch, college-educated paralegals would leave multi-year employment with a law firm to set up a legal technician office in a single, restricted area of law?

Finally, the Washington State Civil Legal Needs Study, which was cited as support for the FLLTP in the Crossland Letter, identifies the need for legal services for the indigent (those at or below 125 percent of the Federal Poverty Level) as being the greatest in rural areas. As of March 20, 2008 (for the period July 2007-June 2009), the Arizona Supreme Court has certified 574 document preparers, almost all of whom are located in Arizona's two major urban centers: Phoenix Metro and Tucson. Arizona's CDP program has essentially *no* rural presence. (See www.supreme.state.az.us/cld/ldp.htm.)

So in summary, the POLB envisions that a significant number of college-educated, law office-trained professionals will leave their jobs and head out into the country to work at low rates in a single area of law with significant restrictions upon the scope of their practice, for people of modest means.

Even if that were to happen, it would not guarantee greater access to, or lower cost for, legal services. The proposed rule does not limit the fees FLLTs could charge, nor does it restrict them to representing people of modest means or those living in rural areas. This vision is neither realistic nor economically viable.

WSBA Finances and the Access to Justice Mission

Due to higher rent, well-warranted raises in employee salaries, and increases in employee pension contributions (over which the WSBA has no control, as its employees are enrolled in Washington state's PERS program), the WSBA is facing an operating deficit for at least the next two years.

In the accompanying *Bar News* articles supporting the FLLT proposal, POLB members state that the WSBA has "reserves of \$6,000,000." This assertion does not accurately convey the amount or purpose of the WSBA's reserves. The money is in three funds: restricted, Board-of-Governors-designated and unrestricted reserves. The restricted fund, the Lawyers' Fund for Client Protection, is a trust solely for use with that program, and it cannot be spent on FLLT or any other project. The Board-of-Governors-designated CLE Fund and

Section Funds are reserved for operation of the WSBA CLE Department and the WSBA practice sections, respectively. The general fund reserve, as of April 2008, is a facilities reserve of \$2.5 million, intended for facilities expenses and the anticipated costs of a move at the end of the current office lease; a capital reserve of about \$500,000 for expenses such as equipment replacement and technology upgrades; operating reserves of about \$1.5 million to cover necessary and unforeseen operating expenses; and approximately \$250,000 in Board of Governors program reserves. There is *not* \$6 million sitting in an account waiting to be spent. The current reserves are necessary, spoken for, and well-managed.

From 2002-2007, the WSBA spent slightly more than \$3 million on *all* access to justice programs (ATJ Board, statewide GAAP, Committee on Public Defense, Pro Bono Emeritus Programs, and the POLB). In fiscal year 2006-2007, the total spent on all access to justice programs was approximately \$650,000 of an \$18 million WSBA budget. In addition to its financial contributions to access to justice and other core programs, such as diversity and lawyer assistance, the WSBA has certain mandatory regulatory functions; the discipline system alone will consume over \$4 million

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of the budget this year.

Access to justice is, as it should be, at the pinnacle of the WSBA's priorities, and our more than 30,000 members have invested heavily in this cause, both financially and via an enormous number of volunteer hours. These commitments must be maintained, but the WSBA's financial resources are finite and under pressure.

The POLB proposes to administer the FLLTP through a "Non-Lawyer Practice Commission." Proposed Non-Lawyer Practice Regulations 3 F and G state that the WSBA "shall provide the Commission with an administrator (Commission Administrator) and any additional staff support as designated by the Executive Director of the WSBA" and that "[t]he WSBA shall pay all expenses reasonably and necessarily incurred by the commission pursuant to the budget and the expense policy of the WSBA."

Therefore, the WSBA would be required to set up and administer the program with WSBA staff and facilities, and fund it through WSBA member licensing fees. The necessary functions would include space, staff, and economic support for the proposed commission; character and fitness investigations; determining that each FLLT has the requisite financial responsibility;

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administering the FLLT licensing exam; setting up CLE programs; investigating FLLT ethical grievances; and conducting FLLT discipline hearings. The POLB's estimate of \$200,000 to start the program, and the assertion that the program will be self-supporting, are the POLB's alone; the WSBA has not performed a fiscal analysis. The accuracy of the POLB's fiscal impact estimate is questionable.

The Statewide GAAP Program Is the Best Means for Reducing the Civil Legal Services Gap for Moderate-Income People

The Greater Access and Assistance Project (GAAP) Committee is a standing committee of the Access to Justice Board, working with the Washington Young Lawyers Division (WYLD). The committee's mission is to: "Establish a structure to support viable moderate means panels in Washington State." (Emphasis added. See ATJ Board Annual Report, February 2008, page 8.) In 2007, the WSBA spent \$20,000 for a GAAP feasibility study. The GAAP Committee looked at the successful local GAAP programs operating in Spokane and Snohomish counties and those being planned in Kitsap and Whatcom counties, and the committee is now developing a statewide program proposal. GAAP is intended to serve those who do not qualify for legal aid by connecting them to lawyers willing to work at reduced rates. Reduced-fee lawyer panels avoid all the restrictions of the FLLTP, and would not require the creation of an entire "shadow bar association" as FLLTP would. We should give the GAAP program the time to work and the dollars it needs to succeed. GAAP, not FLLTP, is the right way to provide legal services to people of modest means.

Conclusion

Equal access to justice should be our pre-eminent goal. Relegating people who do not qualify for civil legal aid, but who also cannot afford an attorney, to lesser, limited, non-lawyer representation is neither equal nor just. Our Supreme Court should not adopt the FLLT proposal. ☐

Mark A. Johnson practices plaintiffs' professional liability and personal-injury law at the law firm of Johnson-Flora, PLLC in Seattle. He served on the WSBA Board of Governors from 2003-2006. He is WSBA president-elect and will take office as WSBA president in September. David Heller is the WSBA governor serving the Ninth Congressional District.

Legal Technicians: Myths and Facts

BY ROBERT HENDERSON AND PAUL A. HENDERSON

1. MYTH: Legal Technicians Would Not Serve People Who Are Most in Need of Legal Services.

FACT: The Washington State Civil Legal

Needs Study (2003) commissioned by the Washington State Supreme Court provides information indicating areas of greatest need as well as quantifying the dimensions of unmet need for low-income people. It is calculated that approximately 88 percent of all such legal needs are unmet.

Legal assistance is not available to many people in this state. The economics of legal practice are such that low-income people — the working poor who may have too much income to qualify for legal services programs, even when such programs have the capacity to provide additional services — simply cannot afford a lawyer. This unmet legal need can be addressed in some part by a functional framework for non-lawyer limited practice.

Legal technicians will be able to provide limited services to people who will litigate their cases *pro se*. The use of technicians for the more routine tasks will free lawyers to undertake *pro bono* representation of clients in court, or to assume responsibility for the more complex issues which are prohibited to the legal technician.

2. MYTH: This is the Beginning of Non-Lawyers Taking Over the Legal Profession.

FACT: Non-lawyers already offer legal services, even though they often are not trained or supervised, and there is no regulation by the courts or legal professionals. There are scores of individuals and entities operating in this state, ranging from Internet operations such as legalzoom.com (which advertises having served over half a million people) to untrained paralegals and "notarios." Consumers are not adequately protected in the event of negligence or abuse. The legal technician rule would safeguard the public by specifically defining the role of non-lawyer technicians and placing them under the supervision of the Supreme Court — making them a legitimate part of the legal community. When courthouse facilitators were authorized, the same argument was made in opposition that is being used to oppose legal technicians. Despite the threat of dire consequences, that program did not result in a "takeover of the legal profession," although it has helped some *pro se* litigants.

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gants and the courts, where it is accepted in most counties.

The March 2008 report on the court-house facilitator program by the Washington State Center for Court Research, Administrative Office of the Courts,

The legal technicians would provide services that are now being inappropriately provided by untrained and unregulated individuals. There is more than enough need for services to low- and moderate-income people that the provision of those services will not jeopardize the livelihood of lawyers.

reports that of litigants who did not receive assistance by attorneys or court-house facilitators, 43 percent obtained their litigation assistance from friends or relatives, 16 percent from the Internet, and 29 percent nowhere. The need for assistance for poor and modest-income people is staggering.

3. MYTH: The Practice of Law Board Inappropriately Circumvented the Board of Governors by Submitting the Rule to the Supreme Court.

FACT: In March 2006, the POLB presented the proposed Legal Technician rule to the full Board of Governors for comment. The BOG voted not to support the rule as it was presented. A second motion invited the POLB to further refine the rule. A study committee was appointed, composed of the POLB, a Supreme Court justice, two members of the BOG (who are liaisons to the POLB and attend non-executive session portions of POLB meetings), the president of the Young Lawyers Division, and the present chair of the Family Law Section's Executive Committee. This committee unanimously decided that the POLB should study areas and scope of practice and make a refined further proposal. It has done so. The POLB further sought legal counsel as to anti-trust/

restraint of trade concerns. The advice received was clear and unequivocal: The proposal should be sent directly to the Supreme Court, limiting the likelihood of creating problems for either the WSBA or the Supreme Court regarding restraint of trade. GR 25 provides that the WSBA may comment on such proposals, as it has indicated it will do. GR 25 does not require that the WSBA must approve any proposal, for the reasons just indicated. At all times, the staff and the BOG of the WSBA have been aware of the actions of the POLB.

4. MYTH: Those Opposing the Rule Are Doing So to Protect the Consuming Public.

FACT: The WSBA is an organization whose mission is to "serve the public and the members of the Bar." That certainly is an appropriate mission, but when the members' interests are inconsistent with the interests of consumers, there is a conflict. The position of those opposing the rule might be best summed up by the following statement in a *King County Bar Association Bulletin* article:

The legal technicians also would directly compete with attorneys and, as nothing within the rule limits a legal technician to indigent clients, attorneys and legal technicians would have significant overlap in their client bases.

The rule which the POLB proposes would allow trained and regulated people to offer limited legal services at lower cost to those *pro se* litigants who cannot afford a lawyer. The legal technicians would provide services that are now being inappropriately provided by untrained and unregulated individuals. There is more than enough need for services to low- and moderate-income people that the provision of those services will not jeopardize the livelihood of lawyers. Indeed, it may permit lawyers, freed up from more mundane tasks, to use their skills to meet more complex needs of clients and make them available for referrals from technicians for services outside the scope of certification.

5. MYTH: Legal Technicians Will Be Insufficiently Trained.

FACT: Under the proposal, a legal technician must be a graduate of a paralegal/

legal assistant program that is approved by the American Bar Association or the commission created under the rule. The technician must have an associate's degree or a degree from a paralegal/legal assistant program that consists of a minimum of 90 quarter hours, at least 45 quarter hours of which are substantive legal courses; or a bachelor's degree in paralegal/legal assistant studies; or a post-baccalaureate certificate in paralegal/legal assistant studies. In addition, the legal technician is required to have experience under the supervision of a lawyer of a minimum of two or three years, depending upon the degree held.

Each legal technician also must complete approved or accredited education during each calendar year, in courses certified by the commission.

6. MYTH: Legal Technicians Will Be Untested.

FACT: The legal technician must complete an examination which shall, at a minimum, cover the Rules of Professional Conduct, rules of ethics, attorney-client

Legal technicians acting within the scope of the proposed rule shall be held to the standard of care of a lawyer, and to the same ethical standards as a lawyer, except to the extent that the Rules of Professional Conduct conflict with the rule, in which case the rule shall apply.

privilege, and procedural and substantive law issues related to the area of practice. The commission, composed of lawyers and legal educators, will create the proficiency test.

7. MYTH: Legal Technicians Will Not Be Held to Ethical Standards.

FACT: Legal technicians acting within the scope of the proposed rule shall be

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held to the standard of care of a lawyer, and to the same ethical standards as a lawyer, except to the extent that the Rules of Professional Conduct conflict with the rule, in which case the rule shall apply.

The Supreme Court, in considering the enactment of the rule, will need to consider whether the privilege which an attorney is bound by would extend to a legal technician by virtue of the rule, or whether it will be appropriate to seek legislation to extend the privilege to legal technicians. Courthouse facilitators, who presently perform services for both sides of the same case, are not currently bound by privilege. Legal technicians will be restricted from serving conflicting parties, they do not represent any party, and they suffer the loss of certification if they act outside the scope of the rule.

All funds that come into a legal technician's possession are subject to RPC 1.15.

8. MYTH: Legal Technicians Will Litigate Cases.

FACT: The legal technician shall not represent clients in court proceedings or negotiations but may provide limited legal assistance to a *pro se* litigant. The technician may operate only within the scope authorized by the rule, regulations, and Supreme Court directives. Work that requires the special skills of a lawyer will have to be referred.

9. MYTH: Legal Technicians Will Hire Untrained Assistants to Actually Provide Client Services.

FACT: Anyone providing services must be certified pursuant to the rule, have a staffed office for the acceptance of service in Washington, and personally perform the client services. A legal technician shall not supervise a non-certified individual to perform the services in the legal technician's stead.

10. MYTH: Legal Technicians Will Practice Outside the Authorized Area.

FACT: A legal technician may not provide services when assistance is required which exceeds the practice authorized. The technician then must inform the client when the client requires the services of a lawyer. In the event a legal technician acts outside of the scope of authorized

practice, disciplinary action could remove the technician's certification. The scope of family law practice under RCW 26, as recommended for approval by the Supreme Court, is limited, prohibiting the legal technician from assisting clients in areas where the Supreme Court determines that the skills of a lawyer are required.

11. MYTH: The Legal Technician Rule Would Be Too Costly.

FACT: After a start-up period in which the commission which will administer testing and oversee the system is put in

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place, it is anticipated that the legal technicians will pay for themselves through fees. The rule provides that there will be a fee for testing, just as for attorney applicants taking the bar examination, as well as an annual certification fee. Fees will be adjusted based upon the costs incurred and the number of applicants for certification. GR 25 requires "that the costs of regulation ... be effectively underwritten within the context of the proposed regulatory regime."

The costs of the start-up period may be funded by a variety of sources, which the Supreme Court will undoubtedly consider. Those might include the Adminis-

trative Office of the Courts, loans from the WSBA, private foundation grants, or some combination of these. In any event, the start-up expenses are not anticipated to go beyond approximately three years, after which the program should be self-supporting.

12. MYTH: The WSBA Cannot Afford to Fund the Legal Technician Proposal.

FACT: In October 2006, the WSBA, through the BOG, submitted a proposed rule to the Supreme Court which was adopted effective September 1, 2007, in which the Bar Association agreed to "paying expenses reasonably and necessarily incurred" by the POLB among others (GR 12.2). This was six months after the first full presentation of the rule to the BOG, when it was known that the proposal would be further developed and then recommended by the POLB to the Supreme Court. Yet no objection or modification to the WSBA obligation was made in its request to the Supreme Court to clarify the Association's role in funding the POLB. When GR 24 and 25 were adopted, the WSBA had agreed with the Supreme Court to fund the operations of the POLB. Five years later, it was no surprise to the BOG that there would be expenses.

The Bar Association fully covers the operations of the Limited Practice Officer Program and has done so since 2002, when it took that responsibility over from the Court. It makes a net profit from that operation, almost \$20,000 as set forth in the 2007 budget. With a WSBA budget of approximately \$18,000,000 and reserves of \$6,000,000 (October 2007 WSBA budget), it is unconscionable to argue that the WSBA should not assist in the limited expenses in aid of access to justice for the working poor. Such commitment is consistent with the mission of the Bar "to promote justice and serve its members and the public."

13. MYTH: It Would Be Inappropriate for the Supreme Court to Authorize Non-Lawyer Practice.

FACT: The Supreme Court intended that non-lawyer practice might be authorized when it adopted GR 24 and GR 25 and directed the POLB to make recommendations for such practice. This proposed rule responds to that directive.

It is consistent with the Supreme Court recognition of the role of non-lawyers in the closing of real estate transactions. The Supreme Court authorized the limited practice officer rule for that purpose. Likewise, the proposed legal technician rule is consistent with the holdings in *Cultum v. Heritage House* (103 Wn 2d 633, 694 P2d 620 (1985)), (authorizing real estate agents to practice law by completing earnest money and other related contractual agreements) and *Perkins v. CTX* (137 Wn 2d 93, 969 P 2d 93 (1999)), (authorizing non-lawyers to prepare and complete other legal documents). The rule recognizes the positions

of the U.S. Department of Justice and the Federal Trade Commission requiring that non-lawyers be allowed to perform what was traditional legal work, where appropriate.

14. MYTH: The Supreme Court and the Bar Cannot Effectively Operate a Non-Lawyer Program While Protecting the Public.

FACT: The limited practice officer rule has operated effectively, with very few complaints and few liability issues. The courts and the Bar are the entities that can and should provide oversight for non-

lawyer practice. This is where the skill and knowledge for oversight exists. It is a mistake to let the current uncontrolled non-lawyer practice continue and expand without limitation. The legal technician rule will provide a "bright line" for prosecutors, attorneys general, and the public as to appropriate, supervised, and regulated non-lawyer practice.

15. MYTH: There Are No Sufficient Financial Responsibility or Insurance Requirements for Legal Technicians.

FACT: Each certified legal technician will be required to show proof of ability to respond in damages resulting from acts or omissions in the performance of services. (On the other hand, there is no requirement in Washington that attorneys carry malpractice insurance, or show proof of ability to respond.)

16. MYTH: The Legal Technician Will Not Be Able to Operate at Lower Cost than an Attorney.

FACT: Legal technicians will have fewer costs to pay than attorneys. For example, the legal technician will not have the burden of costly law school loans to repay. According to the American Bar Association, the average law school student loan is approximately \$88,000. Legal technicians' offices will not require access to costly legal research or library subscriptions. Some legal technicians may be hired by not-for-profits to serve their clientele, in which case the overhead would be covered by the agency's funding source. Other legal technicians may rent space in low-rent agency facilities. Still others may obtain affordable space in neighborhoods in which their low- and modest-income clients are likely to be located.

17. MYTH: Legal Technicians Will Provide Second-Class Representation.

FACT: The legal technicians will not provide representation, in that they cannot appear in court or negotiate a case. What they can do is assist *pro se* litigants in understanding the pleadings and evidence which the litigant will need to present in order to succeed in litigation. They also can help to demystify the process for the *pro se* litigant.

Conclusion

There seems little doubt that if a client could choose between having the full services of a lawyer, or the very limited assistance of a legal technician, the client would select an attorney. However, the people likely to be served by legal technicians are those who cannot afford an attorney and would be otherwise forced to proceed without help. We hope a time will come when all people in need of legal assistance will have attorney representation. The courts and the bar have an obligation to continue pushing for the funding necessary to reach that goal. The legal technician rule is not the ultimate solution, but it is a step toward full access to justice. ☺

Rita L. Bender is a 1968 graduate of Rutgers University School of Law. She has practiced in the public defender offices in Newark, New Jersey, and taught law in the Rutgers Urban Legal Clinic. In Seattle, she practiced at the Public Defender Association, and was the regional director of the Legal Services Corporation regional office. She is a principal in the Seattle firm Skellenger Bender, where her practice focuses on family law and adoption and legal ethics. She has worked on issues of access to justice on various committees over the years: as one of the original appointees by the WSBA Board of Governors to the Legal Foundation of Washington and she was appointed by the Washington State Supreme Court to the Practice of Law Board upon its creation. She has written and spoken throughout the country on the complexities and necessity of restorative justice.

The Honorable Paul A. Bastine has served as presiding judge for Spokane County Superior Court and became the first family law judge dedicating his full judicial time to the administration of justice in family law. He retired from full-time judicial activity in January 2005, but still serves as a pro tem judge. Judge Bastine has volunteered his time for many access to justice efforts. He served as an initial member of the Access to Justice Board; was appointed by the Washington State Supreme Court to the Legal Foundation of Washington and served as president of that board; and served as trustee and president of the Spokane County Bar Association. He was appointed to the Practice of Law Board at its inception and serves as vice-chair. In 1998, he was awarded the Goldmark Award from the Legal Foundation of Washington.

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Legal Technicians Aren't the Answer: The Family Law Section's Executive Committee Weighs In

ART BY ANNE CRUTCHER

In January 2008, the Practice of Law Board (POLB), contrary to GR 25 Regulation 8D, bypassed the WSBA Board of Governors (BOG) and presented its proposal for expanding

the practice of law to non-lawyer legal technicians directly to the Washington State Supreme Court.

Since spring 2003, the WSBA Family Law Section Executive Committee (FLEC) has become vitally concerned about the potential impact on the public that would result from creating new avenues for non-lawyers to practice law. In October 2005, FLEC wrote to the POLB and BOG to express the growing concerns of the Section.

At its March 2006 meeting, the BOG, after hearing the POLB proposal for implementation of a legal technician rule and considering comments in opposition to the proposed rule from nearly every WSBA section present, rejected the proposal by a 12-2 vote. Nevertheless, the POLB drafted rules to create a multi-year pilot project for one or more practice areas within which legal technicians would be allowed to operate. Although others were invited, only stakeholders consisting of representatives from the BOG, the Washington Young Lawyers Division, and FLEC attended meetings from April 2006 through January 2007. The stakeholders offered concerns and constructive suggestions, which were dismissed. In addition, the POLB frequently conducted its discussions in executive sessions or private discussions that the stakeholder representatives were excluded from attending.

These stakeholders attempted to suggest creative, alternative means that would provide affordable legal services to those identified in the Washington State Civil Legal Needs Study¹ (CLNS) as most in need. These suggestions included:

- Funding and bolstering of low-income services through Northwest Justice Project, Greater Access and Assistance Project (GAAP), and similar programs.
- Expansion and further education of courthouse facilitators and facilitator programs.²
- Incentive programs for increasing pro bono services offered by private attorneys, such as loan forgiveness or CLE credit.
- Minimal but mandatory pro bono service requirements for all WSBA members.
- Simplification and consolidation of mandatory

pattern forms.

The POLB ignored all such suggestions.

By October 2006, the POLB had identified four areas of practice to study via a subcommittee process for purposes of establishing a legal technician pilot project: elder law, landlord-tenant, fam-

Family law is one of the most challenging areas of legal practice, balancing the skill of litigation with knowledge of the law, the psychology of clients going through one of the most stressful events of their lives, and developing the necessary financial acumen to make a practice thrive Providing inaccurate or inadequate legal services in family law cases can lead to long-term, disastrous results for the families of our state.

ily law, and immigration. FLEC formally requested that a seat be reserved on each of the subcommittees for a representative from the affected section's leadership, but no section leadership was invited to participate. Except for POLB members serving as chairs, none of these subcommittees' members had participated in any of the meetings between April and October 2006, where the issues were most openly discussed. This effectively eliminated exposure to dissenting opinions. Stakeholders then asked to be allowed to attend subcommittee meetings to observe the deliberations and to be kept up-to-date on the activities, but once again these requests fell on deaf ears.

As others became aware of the POLB's proposal, they began to voice concerns. With elder law targeted as one possible pilot project area, the Elder Law Section and the National Academy of Elder Law

Attorneys, Washington Chapter sent letters to the POLB expressing their strong opposition or as an underlying qualifying factor for providing legal services by legal technicians. Those most in need of legal services in this state, those falling under the low-income category, would have to compete for the services of legal technicians on the same basis as individuals in the higher income categories, thus perpetuating even further a system of "haves" versus "have-nots."

In March 2006, the WSBA treasurer estimated that the pilot project alone would cost the WSBA approximately \$700,000. While the POLB has disputed this estimate, it should be noted that the WSBA, through use of its members' dues, has already funded the POLB with \$637,715 since its inception in 2002.

Although the POLB was to provide the BOG with meaningful estimates of the costs of the proposed pilot projects including economic viability data, i.e., the cost of maintaining an office and the

- Loss of custody or contact with one's children.
- Erroneous child-support obligation calculations.
- Inequitable or inaccurate allocation of property and liabilities in dissolutions.
- Misidentification of fathers.
- Waiver of parentage challenges.
- Lack or inappropriate issuance of restraining or protective orders.

The emotional and financial cost to clients to correct most of these types of errors would far exceed the cost of doing them right the first time with the assistance of an experienced attorney. In many cases there is no way, short of an extremely expensive appellate process, to correct such errors and, in some cases, no means at all. The proposal for legal technicians to practice family law simply does not meet the needs identified in the CLNS.

The POLB has refused to include financial need as a component of its proposal or as an underlying qualifying factor for providing legal services by legal technicians. Those most in need of legal services in this state, those falling under the low-income category, would have to compete for the services of legal technicians on the same basis as individuals in the higher income categories, thus perpetuating even further a system of "haves" versus "have-nots."

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amount legal technicians would have to charge for their services, no such data has been provided to date. Like any other business, legal technicians would have to pay office rent and salaries, buy supplies and equipment, and incur other operating expenses. Accurate cost estimates are necessary to determine the economic viability of the project. However, rather than realistically estimating the costs of operating such an office, the POLB simply suggests that expenses will be reduced

by such measures as legal technicians' use of nonprofit organizations' relatively low-cost facilities. Similarly, the POLB's report cites the low cost of services available on the Internet without noting that these services are available only for non-contested or default actions not requiring litigation. Early estimates suggested that legal technicians would likely have to charge upwards of \$150 per hour or "whatever the market will bear" for their services, but this information is absent from the POLB's report.

The areas identified in the CLNS as having the greatest need for civil legal services were housing, family, consumer, employment, health, and public services. However, the category of family law included legal issues that affect low-income families four times more often than higher income families, i.e., issues involving foster care and child-welfare authorities in what are commonly known as dependency proceedings. In dependencies, however, low-income parents and children are now entitled to legal representation at state expense.³ Even at that, the CLNS found that "[family law is] not the area of greatest need [revealed] in either survey, and accounts for only 13 percent to 14 percent of legal issues experienced by low-income people."⁴

Meanwhile, the CLNS revealed that a far greater percentage of family law cases involved the assistance of an attorney for low-income clients than any other category of need identified. Although there clearly remains an unmet need, attorneys already are providing services either at reduced rates or on a pro bono basis for their family law clients much more often than for any other type of clientele. Nearly half of all low-income people did not seek legal assistance because they did not know that there were laws to protect them or that relief could be obtained through the justice system. This would seem to call for greater education of the public rather than watering down the quality of legal services in the state by authorizing non-lawyers to practice law.

According to the CLNS, "Low-income people face more than 85 percent of their legal problems without help from an attorney. Attorney assistance is most helpful in family-related issues, but even here only 30 percent of legal issues reported are addressed with the assistance of an

attorney. Removing family-related issues, low-income people receive help from an attorney in connection with less than 10 percent of all civil legal issues."⁵

The benefit of having attorney assistance speaks for itself. "The data demonstrates that getting help from an attorney dramatically improves satisfaction with the outcome of a legal problem as well as feelings about the justice system. Among those with legal problems who seek but do not get an attorney's help, only 19 percent were satisfied with the

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way their legal problems work out. When households receive an attorney's help, however, the satisfaction rate more than triples, to 61%.⁶

The public — especially those who are most in need — would be better served by the WSBA and others supporting existing programs designed to help our low-income citizenry; e.g., GAAP and the Northwest Justice Project, as well as expanding the role of and funding for courthouse facilitator programs, and educating the public on available legal resources including the availability of unbundled legal services from lawyers.

The POLB has often cited the concern that without opening up the practice of law to more non-lawyers, the Bar could face anti-trust litigation from the federal

government via the Justice Department and the Federal Trade Commission. However, Washington already allows many law-related services to be performed by non-lawyers. For example, limited practice officers can handle real estate transactions, non-attorney guardians *ad litem* and certified professional guardians can file pleadings and function similar to an attorney in court proceedings, courthouse facilitators can assist with the preparation of family law pattern forms, and non-lawyer mediators can help parties negotiate settlements. Accordingly, many observers feel no justification exists for an anti-trust action.

In summary, the Family Law Section's Executive Committee has respectfully urged the WSBA Board of Governors to recommend to the Washington State Supreme Court the rejection of the POLB's proposal for implementation of any legal technician program. Viable solutions to address the problem of unmet legal needs for Washington's poor have been propounded, and many are already in place. Allowing inexpert non-lawyers to practice the complex specialty of family law poses a risk to the public that cannot be ignored. We invite every attorney to submit letters in opposition to the proposed project and rule to their respective governor and to the Supreme Court. This is not a family law problem. This is an issue of significant importance to all attorneys and every citizen in this state. ☺

Jean Cotton is chair of the WSBA Family Law Section.

NOTES

1. See the full report at www.courts.wa.gov/newsinfo/content/taskforce/civillegalneeds.pdf.
2. An integral part of meeting the needs identified in the CLNS are courthouse facilitators. See 2008 Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases Report, www.courts.wa.gov/wscrc/docs/Courthouse%20Facilitator%20Program.pdf.
3. RCW 13.34 et seq.
4. CLNS p. 36.
5. CLNS p. 25.
6. CLNS p. 55.

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WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

May 2, 2018

Mr. Thomas B. Stahl
115 West Ninth Avenue
Ellensburg, WA 98926

Dear Mr. Stahl:

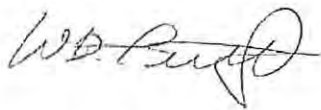
I am writing to confirm receipt of your email with the attached letters and to let you know that I forwarded it to Paula Littlewood, WSBA's Executive Director, with a request to publish it in the next issue of *NWLawyer*. As it turns out, your letter was already published in the April/May 2018 online edition of *NWLawyer* at http://nwlawyer.wsba.org/nwlawyer/apr_may_2018?pg=11#pg11. Your email was also sent to the entire Board of Governors with copies of your letters. I had previously responded to your email with this information, but only recently was informed that the email address was that of a copy shop, not your personal email address.

If I recall correctly, this may have already been brought to my attention recently. I have had quite a bit on my plate of late, so it is quite possible that I overlooked your request. If that is the case, I apologize. Regardless, thank you for reaching out to me directly on this. Also, please know that in the future you are always free to call my cell at 509-952-1450 with any questions. I do my best to return all phone calls.

In the interim, I welcome your thoughts and ideas on the process of "moving to a voluntary bar." Please include the entire Board in this discussion as I know they are equally interested in hearing from our membership regarding how WSBA can work to better meet the needs of Washington legal professionals. This certainly includes an open discussion with members concerning the pros and cons of a voluntary bar.

Looking forward to hearing from you again.

Sincerely,



William D. Pickett



April 30, 2018

Bill Pickett, President
Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle WA 98101-2539

Dear President Pickett:

Congratulations on your new position as President of the WSBA. I note in your President's Corner column that you say "*I want to hear from you.*" So here are my thoughts.

As a companion email, please find a letter that I submitted to "*NW Lawyer*" on April 22, 2017. This letter was never printed, I believe, due to a censorship attitude that has infiltrated the WSBA staff.

I would like you to consider publishing the letter. It concerns the matter of fee increases which is always a relevant topic for lawyers. It also discusses the 2017 referendum regarding the WSBA fee increases which is still a controversial topic within the WSBA today.

In addition to publishing my letter, I would like you to consider urging the Board of Governors to hold the referendum vote on the recent dues increases. And further, to begin the discussion about moving to a voluntary WSBA.

Sincerely,

Thomas B. Stahl
WSBA #17434
115 West 9th Ave
Ellensburg WA 98926
(509) 962-9051
(509) 745-8801

To the Northwest Lawyer Editor,

4-22-2017

The WSBA leadership in the April/May 2017 Northwest Lawyer letters column asked the following question: “... *how would you suggest the Board better communicate with its members?*” This question was asked in the context of a WSBA member's recent letter complaining about the Board's refusal to hold a membership vote on the Board's massive 40 percent WSBA fee increase, from \$325 to \$458. The Board's refusal to hold the vote was in defiance of both the bylaws and the 2,180 WSBA members who had signed a petition to hold a referendum on the fees increase.

On 1-5-2017 a Supreme Court majority entered an order, without argument or elucidation of reasoning, declaring that the Board's proposed fee increases were “reasonable” and that the petitioners' referendum tying proposed fee increases to inflation “would not be reasonable.” No explanation was given as to why the one was reasonable and the other not. But the Court's order no. 25700-B-571 did not actually order anyone to do, or not to do, anything. Therefore, the Board still had the bylaws mandated duty to hold the vote. If the vote had gone against the Board, then the Supreme Court would have had the choice whether to expend their political capital (they run for election) to vacate the vote, or to let it stand. Either way the Board cannot hide behind the order of the Supreme Court which did not really order anything.

Here is how the Board can “better communicate with its members” and how the members can better communicate with the Board. **Move to a voluntary bar association.**

That way the members who want the fee increases, endless program expansion, and WSBA empire building can stay and pay for those things. All others can leave the WSBA but still continue to practice law as licensed lawyers. Discipline of lawyers could be accomplished by civil lawsuits brought by disgruntled clients, just as it can be now against WSBA members.

Note the arrogance of the Bar leadership. The WSBA president and executive director stated that the Board had “... *stopped discussion on the amount of the license fee . . .*” but did not “... *foreclose discussions about programs and services the members want and don't want . . .*” In other words, extracting your money without a vote is not open to discussion, but how we are going to spend your extracted money is the only thing to discuss.

This kind of overbearing attitude would likely drive large numbers of attorneys out of the WSBA if they had freedom of choice.

Sincerely,

Thomas Stahl
WSBA #17434
115 West 9th Ave
Ellensburg WA 98926
(509) 962-9051
(509) 745-8801

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

May 4, 2018

Hon. Mary E. Fairhurst
Chief Justice
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Your January 4, 2018, Order No. 25700-B-583 expanding the WSBA Board of Governors

Dear Chief Justice Fairhurst:

I write to inform you that the WSBA Board of Governors (BOG) voted to hold Supreme Court of Washington Order No. 25700-B-583, expanding the Board of Governors, in abeyance.

The BOG has voted to hold Order No. 25700-B-583 in abeyance until the BOG disapproves of the expansion of the WSBA Board of Governors as outlined in the order, or until this court approves deleting the additional Board seats it has authorized. The BOG intends to solicit further input from WSBA attorney members and all others who wish to participate in a work group that will write reports concerning issues yet to be determined. This work group will not make a recommendation to the Board of Governors, but will provide reports at the May, July, and September Board meetings.

The complete Action Plan approved at the Board's April 6, 2018, meeting is attached, along with a draft of the Board Minutes from the April 6, 2018, meeting.

Sincerely,



William D. Pickett

cc: Paula C. Littlewood, Executive Director
Sean M. Davis, General Counsel
Board of Governors



ACTION PLAN FOR PROPOSED BY LAW AMENDMENTS

1. The elections of three new Governorships are held in abeyance until the Board either disapproves of the proposed amendments deleting those positions or the Supreme Court approves their deletion if passed by the Board. In the event those positions are not deleted at the conclusion of this process, the Board will resolve at that time the procedure and timing for that onboarding.
2. The Board will conduct its own work group. Membership of the workgroup is open; any Board member or WSBA member who desires to attend those meetings may be a part of the work group. Detailed minutes of all meetings shall be kept including a record of any votes taken and who voted.

The first meeting of the work group will be set for the week of April 2. Staff will send a poll to determine the day most governors can attend and the first meeting will be set on that day. Those present will set the schedule for the following meetings.

The Board members present at the first meeting will appoint a facilitator for the work group meetings. The schedule of meeting days and times will be posted on the WSBA web site, included in the next Bar News, and transmitted via email as an email blast in accord with the current email blast mechanism.

Any WSBA member may propound proposals on the offered amendments.

The workgroup will return to the Board a redline of language that is agreed and disputed. The workgroup will not return a voted on recommendation per se. The proponents of the bylaw amendments, and any group that opposes them, may provide the Board a report stating the basis of their respective positions.

The first report of the Board's work group will be due at the May regular Board meeting. The workgroup will consider the input of the Board and meet again to determine if any suggestions by the Board can be integrated.

The second report of the Board's work group will be due at the July regular Board meeting. The workgroup will consider the input of the Board and meet again to determine if any suggestions by the Board can be integrated.

The third and final report of the Board's workgroup will be at the September regular Board meeting. It is contemplated the Board will vote on the proposed amendments at its regular September meeting. However, the Board on majority vote may defer a final vote contingent on additional work as directed by a majority of the Board at that time.

The initial reports of the workgroup need not be as detailed as the final reports. It is anticipated the final reports presented for September will reasonably contain the full basis for the proposal or opposition to them.

3. The Board's work group's meeting materials will be posted on the WSBA web site after each successive Board meeting where those materials were considered. The original proposed amendments should be posted as soon as practical.
4. By August 1, 2018 the work group will provide a report suitable for publication in the Bar News that summarizes the proposals and provides a statement for or against them as appropriate. For this report, if there are more than two versions for any one proposed amendment, the original proposed amendments shall be one version reported on. The work group will decide which of other proposals have a preponderance of support by the work group and that version shall be published in the Bar News.
5. All final reports of the workgroup pertaining to the three new governor positions shall be transmitted to the Supreme Court along with the final proposed language in redline unless the Board rejects the proposed amendments to eliminate the three new governor positions in which case the issue is moot.

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

April 6, 2018

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 (by videoconference) on Friday, April 6, 2018, at 2:25 p.m. at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark (phone)
James K. Doane (phone)
Angela M. Hayes
Kim E. Hunter (phone)
Jean Y. Kang
Rajeev D. Majumdar
Athanasios P. Papailiou
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 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, and Chief Communications and Outreach Officer Sara Niegowski. Governors Chris Meserve and Kim Risenmay were not present.

President Pickett welcomed governors, guests, and staff to the Special Meeting. The meeting was called to take action on the Action Plan for Proposed Bylaw Amendments (Action Plan) proposed by Governors Bridges and Majumdar, which was heard on first reading at the March 19, 2018, Special Meeting. Noting the importance of transparency and input, President Pickett

acknowledged the feedback already received from former Board Presidents and others, and advised the in-person and telephone audiences that the Board would hear their comments before considering the Action Plan and that he would entertain a motion to extend the meeting to ensure that everyone had the opportunity to share their perspectives with the Board.

Governor Bridges noted that the Special Meeting was called to consider the process included in the Action Plan, not to debate the merits of the three new Board seats. President Pickett stated that the process in the Action Plan included consideration of whether or not to delay implementation of the three new Board seats, that it was important to hear what the guests had to say, and that wide latitude would be given so that people had the opportunity to speak.

Guests expressed a range of views, including: concern that the decision to add limited license and public members to the Board, after a four year deliberative process and Supreme Court approval, not be re-opened or delayed; the importance of including the diverse voices of limited license and public members on the Board; the current Board's responsibility to make its own decisions and not be bound by the decisions of past Boards; and the dedication of lawyers in caring for the profession and helping the public.

Governor Majumdar moved to extend the meeting. Motion passed unanimously. Additional views expressed included: concern that WSBA does not support its lawyer members and that limited license members are hurting the profession; concern that the training, qualifications, motivations, and value provided to the public by limited license members are not understood and that these members do not diminish the value and importance of lawyers; appreciation that limited license members enhance the public's access to justice; recognition that when compared to other professional governance bodies, the Board's lack of public members is an anomaly in the United States, that the practice of law is rapidly changing, and that the Board needs to be forward looking; concern that delay in filling the new seats would be a step in the wrong direction and would look terrible to the Court and the public; the importance of giving limited license members a right to a voice as any other member of the Bar; that limited license members' voting power should be limited to issues concerning their specific practice; that

giving a dedicated seat to limited license members is disproportionate to representation on the Board given to lawyer members; and that the three new positions represent best practice and should be implemented.

Governor Papailiou moved to exclude consideration of the three new seats from the Action Plan on the grounds that the Action Plan is not a process, but a means to an end; is anti-Limited License Legal Technician (LLLT), anti-public, anti-access to justice, and anti-diversity; and is contrary to a Supreme Court order. Several governors expressed disagreement with his perspective. Motion failed for lack of a second.

Governor Bridges advocated that the Action Plan be approved as presented as it was not substantive but procedural; does not exclude limited license professionals from serving on the Board; allows public members to serve staggered terms; and was prepared after several Supreme Court justices shared with the Board that the Board could develop a process to consider these issues.

Governor Tollefson moved that the Action Plan be amended to include only the Bylaw amendments relating to the three new governor positions, and that all other bylaw amendments be put on for action at the May 17, 2018, meeting. Discussion ensued regarding a range of topics, including: governance concerns relative to the remaining Bylaw amendments to be addressed by the Work Group; the wisdom of considering all proposed Bylaw amendments together; the purpose of having another group study issues that have already been reviewed extensively; the impact of increasing the Board's size to 17; the unclear role of the proposed Work Group; and the misconception that WSBA Governors, who are voted in by a very small percentage of eligible voters, were elected to represent their constituents. Following discussion, President Pickett called the question, which passed 11-0-1. Governor Papailiou abstained. Governor Tollefson's motion passed 9-3.

Governor Stephens moved that the Board appoint 21 members to the Work Group identified in the Action Plan, who shall represent various interests including lawyers, limited license

members, and community members. Discussion ensued about whether the Work Group would be more accountable if members were appointed, or open to anyone as contemplated in the Action Plan. Governor Swegle called the question. Motion passed 10-1-1. Governor Clark abstained. Governor Stephens' motion tied 5-5-2. Governors Kang and Clark abstained. President Pickett broke the tie in favor of the motion. Motion passed 6-5-2.

Governor Papailiou moved to remove language in the Action Plan holding in abeyance the onboarding of all three new Governor seats. Motion died for lack of a second. He then moved to remove language in the Action Plan holding in abeyance the onboarding of the two public member positions. Governor Swegle called the question. Motion failed 9-2-1. Governor Stephens abstained.

Governor Stephens moved to approve the Action Plan as amended, with a Work Group of 21 persons appointed and representing various interests, which shall address proposed Bylaw amendments relating to the three new governor positions. Motion passed 11-0-1. Governor Majumdar abstained. President Pickett advised that he would inform the Supreme Court of actions taken by the Board at this meeting. Governors Stephens, Bridges, and Majumdar agreed to work with President Pickett regarding appointments to this Work Group.

ADJOURNMENT

There being no further business, the Special Meeting Public Session was adjourned at 6:12 p.m. on Friday, April 6, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

May 7, 2018

Colleagues,

At the recent Annual Spring Section Leaders Meeting held on Monday April 30, I introduced a new topic of discussion that is relevant to you as leaders of the WSBA's 29 sections. I know that only a portion of you were able to attend this meeting and write this letter to invite all section leaders into the discussion.

The Washington State Bar Association performs many functions in furtherance of its mission to serve the public and members of the Bar, to ensure the integrity of the legal profession, and to champion justice. A large portion of the WSBA functions as a regulatory agency under delegated authority of the Washington Supreme Court. Other professional association functions of the Bar further benefit the members. I believe that Sections serve a vital role helping to ensure the competent and qualified legal professionals through creating a supportive community, professional networking, and education.

However, is there a way to empower sections to do their work in a more nimble, efficient environment free from the barriers required of a regulatory agency? As WSBA President, I plan to bring forward this discussion to the Board of Governors. Specifically, I would like to discuss what structures would best support the goals of sections and maximize the benefits members enjoy; whether that be within the WSBA or outside of it. I am reminded of the recent changes undergone by the California State Bar Association in which their sections formed a separate 501(c)(6) which, I have learned, has seen increased section memberships. I think it important that the WSBA Board of Governors take a look at sections 'from all sides' to lead us into a future that effectively supports our profession.

I encourage you to [view the recording](#) of the Annual Spring Section Leaders meeting to watch the full discussion with the section leaders present. I want to hear from you. Please reach out to me directly with your individual or section executive committee representative feedback, ideas, questions and concerns.

Please understand that this letter is not intended to issue a foregone conclusion, but to open a dialogue about a possible solution that addresses various section concerns and identified barriers. I am interested in a collaborative dialogue free of the constraints of tradition and open to a constructive, thoughtful, and creative thinking.

I will make every effort to keep all section leaders informed on this topic if, and when, it is presented to the full Board for discussion. Thank you for your continued service to the Washington State Bar Association, its members and the public.

Regards,



William D. Pickett
WSBA President



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**Summary of WSBA Outreach Visits
February 24 to May 4, 2018**

1.	3/7/18	Olympia, WA	Executive Director Paula Littlewood and members of the WSBA BOG met with the Thurston County Bar and the Government Lawyers Bar. Another meeting was held with the Board of Industrial Insurance Appeals and the Office of Administrative Hearings representatives. They also held a luncheon with limited jurisdiction judges.
2.	3/8/18	Olympia, WA	WSBA hosted area lawyers for a luncheon while the BOG was meeting in Olympia. Two Local Hero Awards were presented.
3.	3/21/18	Seattle, WA & Webcast	Decoding the Law: Sexual Harassment & The #MeToo Movement.
4.	3/28/18	Spokane, WA	Legal Community Outreach Specialist Sue Strachan attended the annual Spokane County Bar Smithmoore P. Myers Professionalism Dinner. BOG members Angie Hayes and Bill Hyslop also attended.
5.	3/29/18	Spokane, WA	Member Services and Engagement Manager Ana LaNasa-Selvidge, Member Services and Engagement Specialist, and Legal Community Outreach Specialist Sue Strachan hosted a MentorLink Mixer Luncheon. The Spokane County Bar Young Lawyers and several minority bar associations also participated. The topic was "Women in Leadership".
6.	4/2/18	Seattle, WA	Director of the Office of Disciplinary Counsel Doug Ende presented an "Overview of the Discipline System" at Seattle University.
7.	4/3/18	Seattle, WA	Disciplinary Counsels Francesca D'Angelo and Emily Kruger presented an "Overview of the Discipline System and Best Practices for Responding to a Grievance" to a UW Professional Responsibility class.
8.	4/18/18	Seattle, WA	Executive Director Paula Littlewood and WSBA member Allen Unzelman presented a session on professionalism to law students during a Seattle University Professional Responsibility class.

9.	4/23/18	Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere and Outreach and Legislative Affairs Manager Sanjay Walvekar presented a session on professionalism to law students during a Seattle University Professional Responsibility class.
10.	4/25/18	Bellevue, WA	Diversity and Inclusion Specialist Dana Barnett and Legal Community Outreach Specialist Sue Strachan hosted this networking reception. Several minority bar associations also participated. Professional Responsibility Counsel Jeanne Marie Clavere and BOG members Alec Stephens and James Doane also attended.
11.	5/4/18	Port Orchard, WA	Legal Community Outreach Specialist Sue Strachan attended the Kitsap County Bar Association Law Day program and luncheon.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

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

Date: May 2, 2018

Re: **Summary of Media Contacts, Mar. 1 – May 1, 2018**

	Date	Reporter and Media Outlet	Inquiry
1.	Mar. 25	Christian Hill, <i>The Register-Gard</i> (Eugene, OR)	Inquired about whether our 2005 discipline file for disbarred member R. Stuart Phillips indicated whether he was charged with a criminal felony in conjunction with his violations of rules of professional conduct. Our records had no mention of a criminal charge.
2.	Mar. 26	Pablo Gaviria, Univision Seattle	Inquired about CA immigration lawyer not listed in WSBA Legal Directory (Sharon Arelene Healey); whether lawyers have any obligation to represent clients despite a financial hardship; and what resources are available to low-income clients.
3.	Mar. 27	Jessica Prokopf, <i>The Columbian</i>	Sought history and statistical information about WSBA's Law Clerk Program. Part of a profile on Bennett Brandenburg, who recently was sworn-in after passing bar and going through Law Clerk Program.
4.	Mar. 29	Jake Thomas, <i>The Columbian</i>	Inquired about bar guidelines regarding a potential conflict of interest for a Clark County prosecuting attorney who handles land use for the county, and who previously worked for a conservation group.
5.	Apr. 5	Steve Miletich, <i>Seattle Times</i>	Regarding the Supreme Court's decision about Tarra Simmons. Media statement provided.
6.	Apr. 5	Emma Cueto, Law360	Regarding the Supreme Court's decision about Tarra Simmons. Media statement provided.

7.	Apr. 10	Denver Pratt, <i>Bellingham Herald</i>	Inquired about who the longest-serving prosecutors currently are, in light of Whatcom County's Dave McEachran retiring after 43 years. Referred him to WAPA.
8.	Apr. 16	Isabelle Taft, freelance reporter	Investigating Philip Nguyen, founder of George Washington International School in Vietnam, who claims to be a lawyer when he is not. Sent POLB referral letter to Renton Police Dept.
9.	May 1	Karen Sloan, <i>National Law Journal</i>	Inquired about character and fitness review process. Interviewed Jean McElroy.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Kevin Bank, Assistant General Counsel
 Date: May 2, 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 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.	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.
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.

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
			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 – Misconduct.	3/19/15: Approved submission to Court.	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.
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.
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

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
			submitted no later than April 30, 2018.
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	<i>Proposed amendments to the Standards for Indigent Defense, Standard 14.1 for CrR 3.1, JuCR 9.2, and CrRLJ 3.1.</i>	<i>11/16/17: Approved submission to Court.</i>	<i>4/5/18: The Court adopted the rule.</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 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	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		
	Guardianship Orders, RAP Form 12 – 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.
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). ¹
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.
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.
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	12/6/17: The Court adopted the rules.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	Licensing of Traffic Infraction.	
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.
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.
<i>New GR 37</i>	<i>The Jury Selection Workgroup convened by the Supreme Court recommended the proposed new General Rule 37 – Jury Selection.</i>	<i>4/5/18: The Court adopted the rule.</i>

ⁱ 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

Board of Governors

ACTIVITY REPORT Alec Stephens, At-Large (1) March 1 to April 30, 2018

LIAISON DUTIES:

3-15	WSBA Judicial Recommendation Committee Meeting
3-21	Civil Rights Law Section Executive Committee Conference Call Meeting
4-18	Civil Rights Law Section Executive Committee Conference Call Meeting

WSBA and BOG COMMITTEE MEETINGS:

3-7	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
3-8	BOG Meeting in Olympia
3-9	BOG Meeting with the Washington Supreme Court at the Temple of Justice in Olympia
3-17	WSBA Diversity Committee Meeting (I am the BOG Co-Chair)
3-19	BOG Special Meeting (Call-in Participant)
3-29	BOG Special Executive Session Meeting
4-4	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
4-6	BOG Special Meeting
4-13	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
4-18	WSBA Diversity Committee Conference Call Meeting (I am the BOG Co-Chair)
4-23	BOG Awards Committee Meeting (I am not a member)
4-23	BOG Personnel Committee Meeting
4-25	WSBA Diversity Committee Legal Community Networking Event in Bellevue
4-26	BOG Budget & Audit Committee Meeting (Conference Call Participant)

WASHINGTON STATE
BAR ASSOCIATION
Board of Governors

ACTIVITY REPORT
Brian Tollefson, Sixth District
February 26, 2018 to May 2, 2018

LIAISON DUTIES:

April 17	Tacoma-Pierce County Bar Association Board of Trustees Meeting
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WSBA and BOG COMMITTEE MEETINGS:

March 8	Board of Governors Meeting, Olympia, WA
March 9	Supreme Court Meeting, Olympia, WA
March 19	Board of Governors Special Meeting, Seattle, WA
April 6	Board of Governors Special Meeting, Seattle, WA
April 23	BOG Personnel Committee Meeting, Seattle, WA
April 23	BOG Awards Committee Meeting, Seattle, WA

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

March 19	WSBA Court Rules Committee, via Phone, Seattle
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WASHINGTON STATE BAR ASSOCIATION

Board of Governors

ACTIVITY REPORT

Christina Meserve, District 10

March 13, 2018 – May 3, 2018

WSBA and BOG COMMITTEE MEETINGS:

3/19/18	Board of Governors Special Meeting
3/29/18	Board of Governors Special Executive Session Meeting
4/23/18	Awards Committee (telephone)
4/23/18	Personnel Committee (telephone)
4/27/18	Character and Fitness Interview with WSBA Staff for <i>NWLawyer</i> article

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

3/13/18	Thurston County Bar Association Family Law Section Meeting
3/30/18	American Academy of Matrimonial Lawyers Annual Meeting and Dinner
5/1/18	Thurston County Volunteer Legal Services Fundraising Breakfast
5/3/18	Personnel Committee Compensation Consultant Interview



WASHINGTON STATE BAR ASSOCIATION

Board of Governors

ACTIVITY REPORT

Daniel D. Clark , District 4

Date 3/9/2018 to 5/17/2018

LIAISON DUTIES:

3-10-18	Correspondence with New WSBA Members
3-15-2018	BOG District 4 Governor Update
3-28-2018	Law Clerk Board Executive Meeting with Ben Phillabaum & WSBA Staff Chris Coleman
3-30-2018	BOG District 4 Governor Supplemental Update
4-4-2018	Environmental Law Land Use Section Liaison Meeting
4-6-2018	Superior Court Judges Association Update & Correspondence
4-10-2018	Limited License Legal Technician Meeting Debrief Supreme Court Meeting
4-23-2018	Meeting with WSBA Member
5-2-2018	Environmental Law Land Use Section Liaison Meeting
5-4-2018	Law Clerk Board Meeting Rule 6
5-10-2018	Environmental Law Land Use Section Midyear Annual Retreat

WSBA and BOG COMMITTEE MEETINGS:

3-9-2018	Supreme Court BOG meeting
3-19-2018	BOG Special Meeting
3-29-2018	BOG Special Meeting
4-6-2018	BOG Special Meeting
4-26-2018	Budget and Audit Meeting
4-26-2018	Executive Committee Meeting
5-18 & 19-2018	BOG meeting (Anticipated)

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

3-29-2018	Benton-Franklin County Bar Association New/Young Lawyer Meeting
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WASHINGTON STATE BAR ASSOCIATION

To: WSBA Board of Governors
From: Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager
Date: May 2, 2018
Re: 2018 Legislative Session Wrap-Up

BACKGROUND: The following information is provided for the Board's information regarding action taken by the Legislature during the 2018 session.

The 60-day 2018 regular session began on Monday, January 8, and adjourned on Thursday, March 8. Legislators passed a myriad of policy measures as well as a [capital budget](#) (providing state funding for the construction and renovation of schools, parks, and other state facilities) and a [supplemental operating budget](#) (adding more than \$750 million in net spending to the current budget, with a focus on funding for education, mental health, and higher education).

OVERVIEW:

2018 WSBA Legislative Priorities

Priority #1: Sponsor Bar-Request legislative proposals initiated by WSBA Sections that are approved by the Board.

Gov. Inslee signed WSBA's request bill, [SB 6040](#), into law on March 13.

Originating from the Corporate Act Revision Committee of the Business Law Section, SB 6040 addresses electronic voting at corporate meetings under the Washington Business Corporation Act and allows corporations to remotely hold shareholder meetings (similar to other leading corporate law jurisdictions, such as Delaware). This law goes into effect 6/7/2018.

Priority #2: Support non-Bar request legislative proposals approved by the Board under GR 12.

This session, WSBA Sections and entities voted to support various pieces of legislation concerning information about the law, access to justice, and the criminal justice system. The following bills were signed into law by Gov. Inslee:

- [HB 1896](#) (Rep. Dolan): expanding civics education in public schools (BOG Legislative Committee: support). This law goes into effect 6/7/2018.
- [SB 6002](#) (Sen. Saldaña): enacting the Washington voting rights act of 2018 (Civil Rights Law Section: support). This law goes into effect 6/7/2018.

The following bill did not pass the Legislature. However similar legislation will likely be considered during the next legislative session:

- [SB 6052](#) (Sen. Walsh): reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder (Civil Rights Law Section: support).

More information about legislative action considered by the Board can be found in the meeting minutes of the [Board Legislative Committee](#).

Priority #3: Monitor and take appropriate action on legislative proposals significant to the practice of law and administration of justice.

The WSBA Legislative Affairs Office monitored numerous legislative proposals that might have impacted various WSBA entities. The following is a list of some of the key bills that were monitored and involved working collaboratively with relevant WSBA Sections:

- [HB 1169](#) (Rep. Orwall): enacting the student opportunity, assistance, and relief act (Creditor Debtor Rights Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [HB 1298](#) (Rep. Ortiz-Self): prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position (Civil Rights Law Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [HB 1022](#) (Rep. MacEwen): enhancing crime victim participation in the criminal justice system process (Civil Rights Law Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [HB 1783](#) (Rep. Holy): concerning legal financial obligations (Civil Rights Law Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [SB 5598](#) (Sen. Pedersen): granting relatives, including grandparents, the right to seek visitation with a child through the courts (Family Law Section: oppose). Signed by Gov. Inslee. This law goes into effect 6/7/2018.

- [SB 6560](#) (Sen. Darneille): ensuring that no youth is discharged from a public system of care into homelessness (Juvenile Law Section: support).
- [SB 6015](#) (Sen. Hasegawa): concerning actions for wrongful injury or death (Litigation Section: support). This bill did not reach final passage this session. However, similar legislation will likely be considered next session.
- [SB 6012](#) (Sen. King): allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license (Legal Assistance to Military Personnel (LAMP) Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [HB 1630](#) (Rep. Slatter): Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system (Juvenile Law Section: support). Signed by Gov. Inslee. This law goes into effect 6/7/2018.
- [HB 2253](#) (Rep. Graves): concerning the right to control disposition of the remains of a deceased minor child (Family Law Section: concerns). This bill did not reach final passage this session. However, similar legislation will likely be considered next session.
- [HB 2371](#) (Rep. Sawyer): implementing child support pass-through payments (Family Law Section: support). This bill did not reach final passage this session. However, similar legislation will likely be considered next session.

Session statistics

During the regular legislative session this year, the WSBA Legislative Affairs Office:

- Referred **415** bills to WSBA Sections;
- Continuously tracked **246** bills through the end of regular session;
- Monitored **184** committee hearings;
- Testified and/or coordinated testimony for **2** hearings; and
- Participated in approximately **11** meetings with legislators and staff.

Legislative interim

For some bills that did not reach final passage this year, legislators have already expressed an interest in studying these issues over the summer and fall months for reintroduction in 2019. Over the interim, relevant WSBA entities and the WSBA Legislative Affairs Office will monitor and participate in these discussions with legislators and legislative staff regarding various legislative proposals.

I will also be meeting with the Executive Committees of each Section to ascertain whether they will be proposing any legislation for the 2019 session.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Executive Management Team

Date: May 1, 2018

Re: Q2 FY 2018 Management Report





INFORMATION: Q2 FY 2018 Management Report

Attached are annotated FY2018 Operational Priorities, which score the organization's progress through Q2 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.

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	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>
<ul style="list-style-type: none">Develop and prepare to implement Online Admissions Program system	X		X			X	X	Not to be reported until Q3.
<ul style="list-style-type: none">Complete initial draft of coordinated discipline system rules, vet with stakeholders, present to BOG, and submit suggested rules to Supreme Court			X			X	X	<p>Q1: 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>




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	STRATEGIC GOAL *			REPORTING QUARTER				
	1	2	3	1	2	3	4	
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 yuear, 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>
<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						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> <p>Q2: Not reported in Q2.</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				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>
<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>





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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	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>
<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>

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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Coordinate outreach to all local, minority and specialty bars that ensures ongoing/meaningful connections with WSBA during the year 		X				X	X	<p>Q1: 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>
<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>

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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
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>
<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>
<ul style="list-style-type: none">Rollout paperless accounts payable system, enhanced Legal Directory, and membership data management platform upgrade	X	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>

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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	385	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	10,517	10,819
Volunteers:	Positions ²							data unavailable	1,151	1,039	912	895	827	850	784
	CLE Volunteers													614	562
	Public Service ³													759	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
										1,036	1,194	815	759	862	899
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 / 19	1,023 / 393 / 65	893 / 726 / 87	833 / 559 / 96	750 / 530 / 105
Licensing: (calendar year)	MCLE Form 1: ⁴	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
	Payment Plan									introduced FY13	46	61	59	54	65
Discipline: (calendar year)	Consumer Affairs *	13,575	11,525	11,379	11,646	11,379	10,360	7,851	6,409	5,098	8,503	6,608	6,694	5,652	5,311
	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 / 26 / 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*)		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 ⁵	9 / 15 / 0	17 / 14 / 1	6 / 2 / 2	9 / 4 / 1	9 / 13 / 3	16 / 8 / 1	11 / 5 / 2	17 / 3 / 7	9 / 8 / 2	10 / 11 / 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) ⁶													introduced FY17	5 / 131
	New Member Program Participation ⁶													data unavailable	174
Service Center Calls / emails ⁷		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 / 532	229,367 / 481	
Social Media:	Facebook (likes / impressions) ⁸							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			
Practice Management Assistance:	Consultations	data unavailable								101	41**	100	82	100			
	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			
	Practice Management Discounts**	data unavailable									data unavailable	639	1,084	888			
Lawyer Assistance Program:	Consultations	data unavailable							688	765	212	172	298	194			
	Presentations / attendees	data unavailable							11 / 640	15 / 850	12 / 591	4 / 4,250	9 / 5,485	6 / 1,238			
	Member Assistance Program Consults**	data unavailable								introduced FY14	15 / 43	34 / 53	39 / 55	51 / 63			
Legal Research (CaseMaker): Users		data unavailable													10,561	8,736	
Malpractice Insurance (ALPS): Firms / Members		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 / 409.25	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		
	Webcast attendees **	introduced FY2009				658 / 666	2,182 / 2,196	4,682 / 4,723	4,479 / 4,508	4,202 / 4,221	2,833 / 2,841	2,827 / 2,836	2,955 / 2,972	1,399 / 1,402			
Legal Lunchbox: **	Programs / credits offered	data unavailable									introduced FY14	12 / 18.25	12 / 18	12 / 18	12 / 18		
	Attendees (unduplicated / total)	data unavailable									6,785 / 14,837	7,007 / 22,025	5,220 / 17,079	6,030 / 20,103			
New Member Education:	Programs / credits offered	data unavailable							3 / 14.75	3 / 16.75	4 / 29.0	9 / 41.75	12 / 56.75	9 / 43.25	7 / 33.25		
	Attendees (in-person / webcast)	data unavailable							479 / 34	116 / 100	163 / 98	213 / 460	188 / 1,045**	171 / 709	152 / 451		
On-Demand Seminars:	Programs / credits offered	data unavailable								67 / 384.25	52 / 297.5	48 / 366.75	52 / 236.75	61 / 305.00	69 / 301.25		
	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		
Mini CLEs:	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 / 66.5	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%	18%	16%		
Lawyer License Fees :	Active Lawyer Fee	\$375	\$383	\$391	\$399	\$407	\$415	\$450	\$450	\$325	\$325	\$325	\$325	\$385	\$385		
	CPF Assessment	\$13	\$13	\$13	\$15	\$15	\$15	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30		
	Keller Deduction (amount / % taking deduction)	\$1.94 (10%)	\$3.70 (11%)	\$2.14 (10%)	\$3.80 (10%)	\$3.15 (10%)	\$3.45 (9%)	\$3.95 (13%)	\$4.40 (14%)	\$6.00 (17%)	\$6.40 (17%)	\$4.70 (16%)	\$4.40 (13%)	\$3.50 (14%)	\$2.50 (14%)		
	Limited Practice Officer License Fee:	\$85	\$85	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110		
Limited Legal License Technician License Fee:		introduced 2015													\$175	\$175	\$175
# Donors to WSBF / WSBF grant to WSBA :		NA										127 / \$110,000	5,160 / \$275,136	3,172 / \$207,125	3,072 / \$162,600	3,165 / \$186,750	
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		
Expenses:	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	\$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	\$11,081,512	\$8,540,731	\$8,244,922	\$8,308,990		

2004-2017 ORGANIZATIONAL CONTEXT CHART

MILESTONES	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
	<p>WJ 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 (SOGI)</p> <p>ADR Program, LAP & LOMAP Committees Sunsetted</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 WSBF mission statement; 2010-2013 Strategic Goals adopted; Comprehensive WSBA Bylaw changes</p> <p>Program Reviews</p> <p>Online licensing rolled out</p> <p>Online filing of grievances implemented</p> <p>CLE Conference Center opened</p> <p>Law Fund check off begins</p> <p>Home Foreclosure Program initiated</p> <p>DART introduced</p> <p>Spokane Bar Exam offered through FY2012</p>	<p>Mission Focus Areas adopted</p> <p>Licensing: Hardship exemption added</p> <p>WSBA.org redesigned</p> <p>Moderate Means Program initiated</p> <p>CPLC becomes independent 501(c)(3)</p> <p>Initial Membership Demographic Study Completed</p>	<p>Member Referendum</p> <p>Listening Tours introduced</p> <p>Formation of Governance Task Force</p> <p>Online admissions rolled out</p> <p>Job Target Introduced</p> <p>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>WJ to UW Law School</p> <p>BOG Diversity Committee and Committee for Diversity Merged</p> <p>Equal Justice Community Leadership Academy founded</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>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>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 submits</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>

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.

- ⁶² 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).
- ⁶³ 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.
- ⁶⁴ 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.
- ⁶⁵ Asterisk indicates prorated payout of authorized awards.
- ⁶⁶ The Washington Supreme Court suspended this Board from November 2014 through July 2015. The Board was reconstituted and resumed operation in FY16.
- ⁶⁷ 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.
- ⁶⁸ 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.
- ⁶⁹ This figure represents referrals only. The Board does not issue cease and desist letters.
- ⁷⁰ 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.
- ⁷¹ 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.
- ⁷² 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.
- ⁷³ 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.
- ⁷⁴ 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.
- ⁷⁵ 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.
- ⁷⁶ 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.
- ⁷⁷ First figure represents clients provided counseling; second figure represents number of sessions provided.
- ⁷⁸ First figure represents unduplicated member registrants for in-person attendance; second figure represents total registrants for in-person attendance (including non-members).
- ⁷⁹ First figure represents unduplicated member registrants for webcast attendance; second figure represents total webcast registrants (including non-members).
- ⁸⁰ 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.
- ⁸¹ Webcast participation increased in FY15 due to two seven-part series (Beverage Law and Advising Startups) offered only via webcast.
- ⁸² Includes Referendum layoffs.
- ⁸³ WSBA reserves – net assets – are identified by fund, and are either Board-designated or legally restricted. There are three Board-designated funds: (1) General Fund reserves, funded by WSBA annual operating income, and designated to cover unanticipated losses in the event of an emergency, support future facility needs, and cover net loss and extraordinary costs of WSBA functions, services, and operations; (2) CLE Fund reserves, funded by income from CLE seminars and products, and designated to cover net loss and extraordinary costs of CLE activities; and (3) Sections Fund reserves, consisting of the collective net income or loss of all WSBA sections, and designated to cover to cover net loss and extraordinary costs of section activities. The Client Protection Fund is a legally restricted fund, created by the Washington Supreme Court and WSBA to compensate victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: The President, President-elect, Immediate-past President, and Board of Governors

From: Committee on Professional Ethics (CPE)

Date: April 24, 2018

Re: New Advisory Opinion 201801

FOR INFORMATION: New Advisory Opinion 201801 from the Committee on Professional Ethics

Advisory Opinion 201801 was approved and adopted by the Committee on Professional Ethics at its April 20, 2018, meeting. The opinion provides guidance on the ethical duty of lawyers and law firms when a lawyer changes law firms and the ensuing fiduciary obligations to the clients. The CPE is providing a copy of the opinion to the Governors prior to publication online to the membership.

Attachment:

Advisory Opinion 201801

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 201801

Date Issued: April 22, 2018

Title: Lawyers Moving from Firm-to-Firm in Private Practice

I. Introduction

One of the most prominent features of law practice over the past generation has been the increasing frequency of lawyers moving from firm-to-firm in private practice.¹ Increased lawyer mobility has spawned a host of issues for the “old” law firms involved, the lawyers moving laterally and their “new” firms. This advisory opinion surveys three recurring questions when a lawyer (Lawyer) leaves an “old” firm (Old Firm) to either join or establish a “new” firm (New Firm)²:

1. What notice must the Lawyer and the Old Firm provide to the clients for whom the Lawyer is the principal handling attorney³ and when must that notice be provided?
2. How are file transitions handled in this context?
3. After the Lawyer has left the Old Firm, may the Lawyer discuss the possibility of handling work for clients of the Old Firm with whom the Lawyer has had a prior professional relationship?

¹ See generally Robert W. Hillman and Allison Martin Rhodes, *Hillman on Lawyer Mobility* (rev. 2d ed. 2017); Geoffrey C. Hazard, Jr., W. William Hodes and Peter R. Jarvis, *The Law of Lawyering*, § 15.11 (rev. 4th ed. 2016).

² This advisory opinion focuses primarily on the departure aspect of lawyer mobility and the corresponding duties of the departing Lawyer and the Old Firm. The New Firm, too, has obligations in this setting. For example, job negotiations with a potential new-hire who is handling a matter opposite the New Firm may trigger conflict waiver obligations. See ABA Formal Op. 96-400 (1996) (surveying conflict issues arising from job negotiations with a lawyer representing an adverse party). Similarly, the New Firm should also be attentive to imputed conflicts under RPC 1.10(a) and potential screening to address those conflicts under RPC 1.10(d). See generally *Daines v. Alcatel*, 194 F.R.D. 678 (E.D. Wash. 2000) (applying Washington law and discussing lateral-hire screening).

³ For purposes of this advisory opinion, the term “principal handling attorney” means a lawyer who is primarily responsible for a particular matter or who is the firm’s primary contact with the client for the client’s work at the firm. See ABA Formal Op. 99-414 (1999) at 2-3 (addressing lawyer departure issues under the ABA Model Rules and defining its scope in similar terms). This definition would apply, for example, to a partner who has primary contact with a client on a matter. By contrast, it would not apply to a junior associate who worked on occasional legal research projects under the partner’s supervision in the matter involved. The dividing line, however, is inherently fact-specific—subject to the general legal standard of whether a particular lawyer’s departure triggers a duty to keep the client informed of “significant developments affecting the . . . substance of the representation.” RPC 1.4, Comment 3.

II. Analysis

A. Notice Regarding Departure

1. Responsibility for Notice

Neither the Washington RPCs nor the ABA Model Rules include a specific rule comprehensively addressing the duties of a departing lawyer or the firms involved.⁴ RPC 1.4(a)(3), however, requires a lawyer to “keep the client reasonably informed about the status of the matter[.]” Comment 3 to RPC 1.4 notes in this regard that “paragraph (a)(3) requires that the lawyer keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation.” As ABA Formal Opinion 99-414 puts it:

“The impending departure of a lawyer who is responsible for the client’s representation or who plays a principal role in the law firm’s delivery of legal services currently in a matter (*i.e.*, the lawyer’s current clients), is information that may affect the status of a client’s matter as contemplated by [ABA Model] Rule 1.4. A lawyer who is departing one law firm for another has an ethical obligation, along with responsible members of the law firm who remain, to assure that those clients are informed that the lawyer is leaving the firm.” *Id.* at 2 (footnote omitted).⁵

Therefore, both the Lawyer and the Old Firm have a duty under RPC 1.4(a)(3) to inform the clients affected of the Lawyer’s departure.

2. Form and Content of Notice

RPC 1.4(a)(3) does not specify a particular form for the requisite notice to the clients involved. Again, however, ABA Formal Opinion 99-414 offers useful guidance:

“This can be accomplished by the lawyer herself, the responsible members of the firm, or the lawyer and those members jointly. Because a client has the ultimate right to select counsel of his choice, information that the lawyer is leaving and where she will be practicing will assist the client in determining whether his legal work should remain with the law firm, be

⁴ Cf. Florida RPC 4-5.8; Virginia RPC 5.8. ABA Formal Opinion 99-414 has provided guidance nationally in this area since its adoption in 1999. Washington lawyers with offices in other states are encouraged to consult resources available in those states if the matters affected by a lawyer’s departure are being handled in other states. Regionally, Alaska and Oregon have advisory opinions discussing the issues involved. See Alaska Bar Ethics Op. 2005-2 (2005); Oregon State Bar Formal Op. 2005-70 (rev. 2015). Court rules, such as CR 71(d) on withdrawal and substitution, may also apply if the matter involved is in litigation. See RPC 1.16(c) (requiring compliance with court rules on withdrawal).

⁵ Washington RPC 1.4 is patterned on the corresponding ABA Model Rule.

transferred with the lawyer to her new firm, or be transferred elsewhere.”
Id. at 3 (footnote omitted).

ABA Formal Opinion 99-414 offers equally useful guidance on the content of notice sent before the Lawyer leaves the Old Firm⁶:

“Any *initial* in-person or written notice informing clients of the departing lawyer’s new affiliation that is sent before the lawyer’s resigning from the firm generally should conform to the following:

“1) the notice should be limited to clients whose active matters the lawyer has direct professional responsibility at the time of the notice (i.e., the current clients);

“2) the departing lawyer should not urge the client to sever its relationship with the firm, but may indicate the lawyer’s willingness and ability to continue her responsibility for the matters upon which she is currently working;

“3) the departing lawyer must make clear that the client has the ultimate right to decide who will complete or continue the matters; and

“4) the departing lawyer must not disparage the lawyer’s former firm.”

...

“If the client requests further information about the departing lawyer’s new firm, the lawyer should provide whatever is reasonably necessary to assist the client in making an informed decision about future representation, including, for example, billing rates and a description of the resources available at the new firm to handle the client matter.” *Id.* at 5, 6 (footnotes omitted; emphasis in original).⁷

⁶ The guidance quoted implicitly assumes that the Lawyer is still at the Old Firm at the time the notice is provided and, accordingly, still has fiduciary duties to the Old Firm. *See generally Holman v. Coie*, 11 Wn. App. 195, 522 P.2d 515 (1974) (discussing intra-law firm fiduciary duties); *see also In re Smith*, 315 Or. 260, 266, 843 P.2d 449 (1992) (disciplining lawyer for misrepresentation by secretly having clients of old firm sign fee agreements with his soon-to-be new firm and noting “such conduct is a violation of the duty of loyalty owed by a lawyer to his or her firm based on their contractual or agency relationship.”). If the Lawyer has already departed the Old Firm and is no longer bound by those fiduciary duties, the nature of the competitive information provided may be broader as long as it is truthful.

⁷ Many malpractice carriers have template forms for notification letters available for their law firm insureds. The Oregon State Bar Professional Liability Fund, for example, has templates available for both joint and separate client notice letters on its web site at www.osbplf.org. The Oregon templates are not state-specific and are generally consistent with both this opinion and ABA Formal Opinion 99-414.

Although ABA Formal Opinion 99-414 suggests that joint notice from the Lawyer and the Old Firm is “preferred,” it also recognizes that the personal dynamics of a particular situation may not make that feasible. Therefore, joint notice is not required. *Id.* at 6-7.⁸

3. Timing of Notice⁹

As noted, RPC 1.4(a)(3) requires that a lawyer “keep the client reasonably informed[.]” RPC 1.4(a)(3) does not set a specific timeline. Rather, Comment 5 to RPC 1.4 suggests that the timing of communication must be reasonable under the circumstances: “The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client’s best interests, and the client’s overall requirements as to the character of the representation.” ABA Formal Opinion 99-414 notes generally that “informing the client of the lawyer’s departure in a timely manner is critical to allowing the client decide who will represent him.” *Id.* at 3 (footnote omitted). Although notice would ordinarily occur prior to the Lawyer’s departure from the Old Firm, it could occur afterward if the Lawyer’s resignation or termination took effect without advance notice to the other party.

B. File Transitions

1. Preeminence of Client-Decisions

File transitions from the Old Firm to the New Firm that result from the Lawyer’s lateral move are generally subject to the same considerations as when a client moves a matter from an Old Firm to a New Firm for other reasons.¹⁰ As noted earlier, the decision on whether the

⁸ A departing Lawyer is not obliged to take a client to a New Firm and may be precluded from doing so in some instances due to non-waivable conflicts. Similarly, an Old Firm may conclude that it is no longer able to competently handle a client’s work due to a departure even if a client does not move with a departing Lawyer. For example, a departing Lawyer may have been the only person at the Old Firm with the specialized expertise needed by the client concerned. When neither the New Firm nor the Old Firm is able to continue the representation, both the Old Firm and the departing Lawyer should work cooperatively to assist the client in obtaining new counsel.

⁹ This advisory opinion discusses notice to the clients affected as distinguished from the Lawyer’s notice to the Old Firm that the Lawyer is departing. The RPCs do not address the latter except that any contractual notice requirement cannot be so lengthy as to amount to a prohibited restriction on the Lawyer’s right to practice under RPC 5.6(a). See generally WSBA Advisory Op. 2118 (2006) (discussing RPC 5.6(a) within the context of contractual non-competition provisions); see also ABA Formal Op. 94-381 (1994) (discussing ABA Model Rule 5.6(a) and noting that courts have often refused to enforce restrictions that violate state variants of the ABA Model Rule). The question of whether the Lawyer has a fiduciary duty to inform the Old Firm of the planned departure before notifying the clients involved is a substantive issue of fiduciary and contract law beyond the scope of the RPCs. See generally *Holman v. Coie*, *supra*, 11 Wn. App. 195 (discussing intra-law firm fiduciary duties); RPC 1.6, cmt. 13 (“A lawyer’s fiduciary duty to the lawyer’s firm may also govern a lawyer’s conduct when exploring an association with another firm and is beyond the scope of these Rules.”). As a matter of prudent practice, however, a lawyer contemplating leaving a firm should carefully examine any applicable fiduciary and contract considerations as well as the RPCs noted in this opinion. Similar fiduciary considerations apply to recruitment of Old Firm lawyers or staff while still with the Old Firm. In any event, a lawyer may not lie about the lawyer’s intentions. See RPC 8.4(c). ABA Formal Opinion 99-414 notes, for example, that a lawyer may generally conduct negotiations or explore alternative office space without telling the soon-to-be “old” firm, but the lawyer cannot lie about the lawyer’s intentions if confronted. *Id.* at 7 n.17.

¹⁰ This advisory opinion uses the term “files” to denote paper or electronic *client* files. It does not address the application of property or trade secret law to form templates or other generic materials that may be deemed proprietary by the Old Firm. See generally Robert W. Hillman, *The Property Wars of*

client chooses to keep the work involved at the Old Firm, move it with the departing Lawyer to the New Firm or shift it to another firm altogether is the client's alone. The Washington Supreme Court in *Barr v. Day*, 124 Wn.2d 318, 329, 879 P.2d 912 (1994), described this preeminent right of a client to choose legal counsel: "Unlike general contract law, under a contract between an attorney and a client, a client may discharge the attorney at any time with or without cause." See also RPC 1.16(a)(3) (requiring withdrawal if a lawyer is discharged).

2. Client Files

File transition issues are addressed in detail in WSBA Advisory Opinion 181 (rev. 2009) and this opinion will not repeat that comprehensive discussion. In brief, however, Advisory Opinion 181 notes that RPC 1.16(d) requires a lawyer when an attorney-client relationship has been terminated to "take steps to the extent reasonably practicable to protect a client's interests, such as . . . surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred." Advisory Opinion 181 defines "the file" broadly and provides guidelines for what must be provided to a former client (or a New Firm at the former client's direction). Generally, Advisory Opinion 181 counsels that the entire file—including the electronic portions—should be provided subject to limited exceptions. The principal exceptions Advisory Opinion 181 identifies are: (1) documents subject to a protective order or similar confidentiality obligation that may control the distribution of particular documents within the file; and (2) "[m]iscellaneous material that would be of no value to the client," which Advisory Opinion 181 as "papers [that] will not prejudice the client" including "drafts of papers, duplicate copies, photocopies of research material, and lawyers' personal notes containing subjective impressions such as comments about identifiable persons."¹¹

RPC 1.16(d) also notes that a "lawyer may retain papers relating to the client to the extent permitted by law." Advisory Opinion 181 counsels in regard to an Old Firm's possessory lien rights concerning a client's file under RCW 60.40.010(1)(a) that "[i]f assertion of the lien would prejudice the former client, the duty to protect the former client's interests supersedes the right to assert the lien." *Id.* at 1.¹²

Upon receipt of a client's written instruction to transfer a file to New Firm or a third law firm, Old Firm has a duty to transfer the file as soon as reasonably possible to avoid prejudice to the client and departing Lawyer has a duty to cooperate as needed to facilitate a timely transfer.

Law Firms: Of Client Lists, Trade Secrets and the Fiduciary Duty of Law Partners, 30 Fla. St. U. L. Rev. 767 (2003). By contrast, "form" materials containing information classified as confidential under RPC 1.6 or applicable privilege law, should only be taken with the permission of the clients concerned.

¹¹ Presumably, the first category could be addressed through amendment of the protective order or other confidentiality agreement involved to cover a New Firm. The second category is discretionary and may have less relevance when the same Lawyer is to handle the same matter at the New Firm.

¹² Issues regarding accrued compensation, return of capital and entitlement to accounts receivable or other anticipated future fee income are matters of substantive contract and statutory law beyond the scope of the RPCs. See generally *Dixon v. Crawford, McGilliard, Peterson & Yelish*, 163 Wn. App. 912, 262 P.3d 108 (2011) (discussing the valuation of law firm partnership interest upon the withdrawal of one of the firm's partners); *McCormick v. Dunn & Black, P.S.*, 140 Wn. App. 873, 167 P.3d 610 (2007) (discussing valuation of law firm shareholder interest upon withdrawal of one of the law firm's shareholders).

In addition, Old Firm has a duty under RPC 1.4 to keep the client reasonably informed about the status of the file transfer.

3. Client Names for Conflict Checks

RPC 1.6(b)(7) generally allows client names and limited matter information to be shared with a New Firm for conflict-checking purposes:

“(b) A lawyer to the extent the lawyer reasonably believes necessary:

...

“(7) may reveal information relating to the representation to detect and resolve conflicts of interest arising from the lawyer’s change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.”¹³

Comment 13 to RPC 1.6 notes in this regard:

“Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter is terminated. Even this limited information, however should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship.”

Therefore, unless the identity of a particular client or the nature of a particular client or matter is itself confidential,¹⁴ a departing Lawyer may provide a New Firm with a list of clients and matters for conflict-checking purposes before Lawyer actually joins the New Firm. As a matter of best practice, firms are encouraged to work cooperatively with a departing Lawyer to provide lists of clients and matters (including, if/as needed, the names of adverse and involved

¹³ See also ABA Formal Op. 09-455 (2009) (discussing this issue generally prior to amendments to ABA Model Rule 1.6 and the Washington RPC 1.6 now reflected in RPC 1.6(b)(7)).

¹⁴ Comment 13 to RPC 1.6 cautions that in some circumstances the very fact of consultation may be confidential:

“[T]he disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person’s intentions are known to the person’s spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or the former client gives informed consent.”

For a discussion of related issues of client identity specific to the attorney-client privilege, see generally Robert H. Aronson and Maureen A. Howard, *The Law of Evidence in Washington*, § 9.05[8][a] (rev. 5th ed. 2017).

persons) on which the Lawyer is working or has worked in the reasonably near past¹⁵ so that appropriate conflict-checks can be performed.¹⁶

C. Contact with Old Firm Clients

After Lawyer has left the Old Firm, RPC 7.3(a) governs a Lawyer's ability to contact Old Firm clients for whom s/he was not the principal handling attorney. At this writing, the Washington State Bar Association's Board of Governors has recommended that the Washington Supreme Court amend RPC 7.3(a) in a way that would broaden Lawyer's ability to solicit professional employment from Old Firm clients so long as the solicitation does not violate any of the four prohibitions in the proposed revision. Readers are encouraged to consult the most recent version of this rule available on the Washington courts' website.

III. Conclusion

The personal dynamics of a lawyer departing a firm have the potential to outrun the important professional obligations all concerned have toward the clients involved. Lawyers and their respective Old and New Firms must ensure that client considerations remain paramount despite the often-difficult personal dynamics involved.

¹⁵ Depending on the circumstances, lists of former clients and matters may need to be expanded in terms of the time covered so that potential former client conflicts under RPC 1.9 can be assessed.

¹⁶ If it is not possible for departing Lawyer and new Firm to evaluate a potential conflict of interest without disclosing client confidences to each other, one option might be to retain an intermediary lawyer to whom they may disclose client confidences pursuant to RPC 1.6(b)(4) and who may then analyze the conflict on their behalf. ABA Formal Op. 2009-455 (2009) at 5.

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors

FROM: Joy Williams, WSBA Diversity and Public Service Programs Manager
Robin Nussbaum, WSBA Inclusion & Equity Specialist

RE: Diversity and Inclusion Events

DATE: May 2, 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, May 14	Continuing the Conversation for Staff Invisible Disabilities	FYI only	Robin N.
Wednesday, June 27	Continuing the Conversation for Staff Relationships matter/Importance of human connection for difficult dialogues	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
Tuesday, May 29	Legal Lunchbox Diversity themed CLE: Hiring, Retention and Advancement of Underrepresented groups in the Legal Profession	View Webcast	Joy or Dana
Thursday, May 31	Experience Exchange – Seattle	Attend as Mentor if in the area	Joy or Dana



Wednesday, June 6	WSBA Diversity and Inclusion Celebration - Seattle and Spokane Where We've Been, Where We're Going: 5 Years into the WSBA Diversity and Inclusion Plan	Attend if in the area	Joy or Dana
Thursday, June 28	Community Networking Event – Port Townsend	Attend if in the area	Joy or Dana

Contact Information

Joy: joyw@wsba.org or 206.733.5952

Dana: danab@wsba.org or 206.733.5945

Robin: robinn@wsba.org or 206.727.8322

Margaret: margarets@wsba.org or 206.727.8244

Frances: francesd@wsba.org or 206.727.8222

Terra: terran@wsba.org or 206.727.8282

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Ann Holmes, Chief Operations Officer
Maggie Yu, Senior Accounting and Financial Systems Manager

Re: Results through March 31, 2018 (50% of fiscal year)

Date: April 20, 2018

Attached are the year-to-date financial statements through March 2018, which show that most revenue and expenses are within acceptable ranges of the budgeted amounts. Below is a summary of revenue and expense highlights through March 31, 2018, 50% of the fiscal year completed.

REVENUE AND EXPENSE ANALYSIS

General Fund Revenues

- *Licensing revenue*, almost on budget at 49.64%, reflects Q1 license fees of \$385 and Q2 license fees of \$449. The majority of license fees are collected in Q2 and are allocated each month thereafter. License fee revenue is trending to meet or exceed budget.
- *Gain/Loss on Investments and Interest Income* is currently over budget at 96.10%. The majority of our investment portfolio is in bonds and CDs, which are performing well. Market fluctuation is part of the investment landscape and difficult to predict, so we tend to budget conservatively for these line items.
- *Admission/Bar Exam* revenue is over budget by at 67.29%, which is driven by the timing of licensing exams. We expect revenues to meet budget.
- *Diversity Donations and Grant revenue* is over budget at 108.33%. We receive monies from the Washington State Bar Foundation at the beginning of each year so we can fund our programs and events. This year we received \$7,500 more than was budgeted.
- *Mandatory CLE* is over budget at 65.84%, which is driven in large part by the licensing cycle. We expect revenues to meet budget.
- *Pro Hac Vice Revenue* continues to be a solid revenue source for WSBA at 74.57% of budget.

- *New Member Revenue* is over budget at 193.81%. The transition to the multi-track learning programming for this cost center is continuing to prove very popular with the members and, as such, attendance is exceeding expectations.
- *Practice Management Assistance* is over budget at 124.35% of revenue, due to higher than budgeted royalties received from vendors that offer discounted, practice based services to members.
- *Public Service Donations and Grant revenue* is over budget at 107.89%. We receive monies from the Washington State Bar Foundation at the beginning of each year that allows us to fund Moderate Means programs. This year we received \$7,500 more than was budgeted.
- *Reimbursement from Sections* revenue recognition changed this year as we aligned the section membership year with the calendar year. As a result of this change, revenue was recognized in January. We anticipate this revenue to approximate budget by year end.

Indirect Expenses

Salaries for regular employees are slightly over budget at 50.32%, principally due to vacation hour cash outs. *Overall salary expense (regular staff and temps)* is slightly over budget at 51.43%. *Employee benefits* are under budget at 49.72%, due to open positions. We anticipate that salaries and benefits will both come in on budget for the year.

Other Indirect Expenses such as *rent, insurance, depreciation, property taxes* etc. are below budget at 45.73%. A few outliers include: *Professional Fees – Audit*, at 80.44% of budget, reflects payment for WSBA's completed annual audit; and *Professional Fees- Legal* at 150.82% of budget. Legal fees vary from year to year and are difficult to predict.

General Fund Direct Expenses

Direct expenses are under budget in a variety of areas. However, it is too soon to predict whether this overall trend will carry through the remainder of the year. Some key areas follow:

- *Admission/Bar Exam* expenses are under budget at 37.09%, which is driven by the timing of the licensing exams. These direct expenses will pick up over the course of the year and we expect them to approach budget.
- *Overall* expenses in the Board of Governors cost center is under budget at 28.46%. Expenses in this cost center are primarily related to BOG meetings; this figure does not yet reflect costs associated with March special meetings. Spending patterns depend on timing of events throughout the year but we expect to come in on budget. There is also a commitment of \$60,000 to the Washington Leadership Institute, which will be paid later in the year.
- *Communication Strategies* expense is under budget at 26.02%, principally due to timing of the year end annual awards dinner.

Continuing Legal Education (CLE)

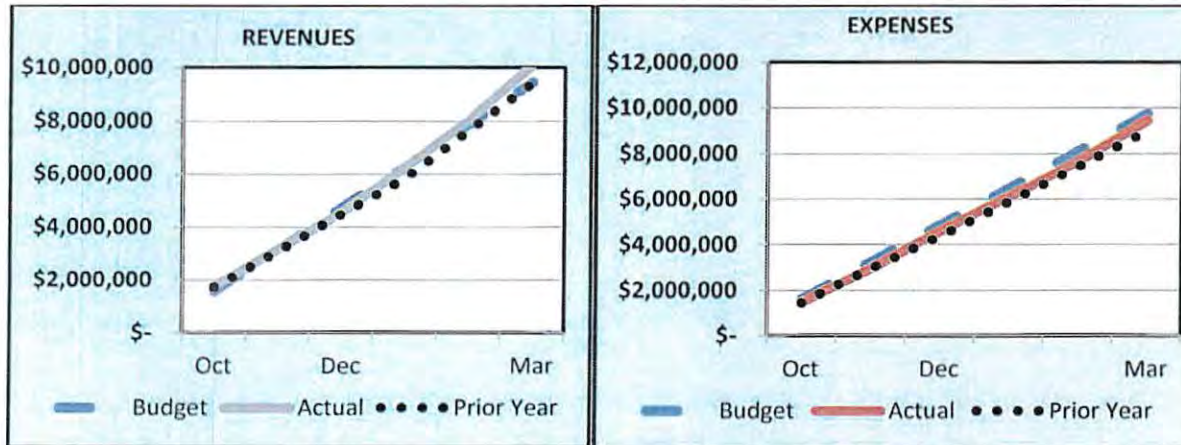
Total CLE revenue of \$943,530 is under budget at 46.43%, reflecting the changing CLE market. Seminar revenue was 29.60%; product revenue was strong at 65.28% driven by online MP3 and video sales; and deskbook revenue was 27.58%. Revenues are expected to increase in Q3 and Q4 due to the spring CLE season and summer sale.

CLE indirect expenses are slightly over budget at 50.50%. CLE direct expenses are below budget at 28.55% due to program timing, and will pick up in Q3 due to the spring CLE season and CLE midyears. Deskbook direct expenses, predominantly tied to deskbook sales, are under budget at 19.62%.

Client Protection Fund (CPF)

Most of the CPF revenue comes in licensing season; revenue through March is 100.56%. Direct expenses are below budget at 9.09%, due to the timing of gifts to injured clients, which will increase over the course of the year and are expected to trend to budget.

GENERAL FUND *(Supports regulatory functions and most services to members and the public)*



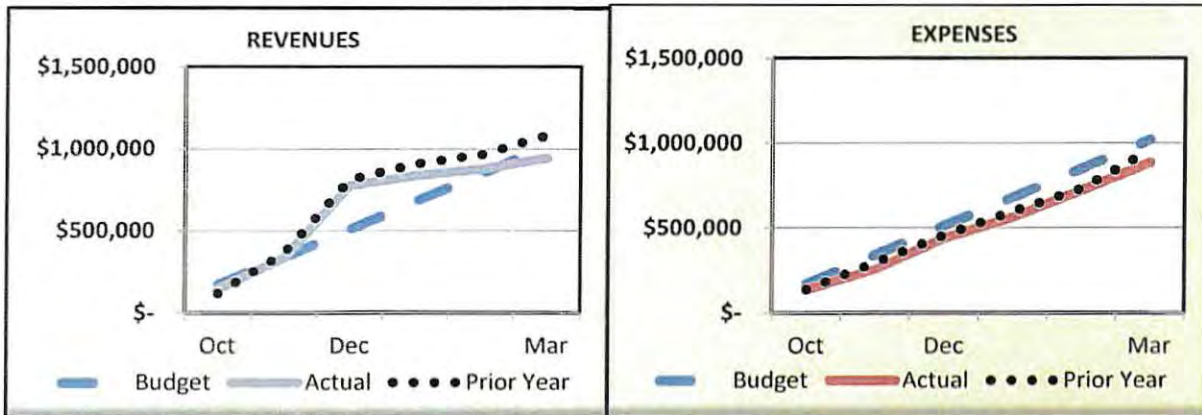
REVENUES: The majority of revenues collected through March are from license fees. Overall revenue is slightly over budget at 53.49%, with Q2 license fees at the 2018 annual rate of \$449, and strong Admissions and MCLE revenue. We expect that revenue will be on or over budget for the year.

EXPENSES: Indirect expenses (salaries, benefits, overhead) are slightly over budget at 50.01%. Direct expenses are currently under budget at 35.96% due to timing of activities required for spending.

PROJECTED NET RESULT: It is still early to project year end net results; however we anticipate exceeding budget projections.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$9,456,600	\$10,117,421	\$660,821
Expenses	\$9,757,445	\$9,468,570	\$288,875
Profit/(Loss)	<u>(\$300,845)</u>	<u>\$648,851</u>	<u>\$949,696</u>

CLE FUND



REVENUES: Actual revenue is under budget, at 46.43%, reflecting the changing CLE market. It is expected to increase at Q3 and Q4 due to the spring CLE season and summer sale.

EXPENSES: Indirect expenses are slightly over budget at 50.50%. Direct expenses are lower than budget at 28.55% due to the timing of programs YTD, and will pick up in Q3 due to the spring CLE season midyear CLEs.

PROJECTED NET RESULT: Currently, the CLE Fund shows a net profit compared to budget. We expect the CLE net result to come in close to budget.

	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$1,016,118	\$943,530	(\$72,588)
Expenses	\$1,020,168	\$886,082	\$134,086
Profit/(Loss)	<u>(\$4,051)</u>	<u>\$57,448</u>	<u>\$61,499</u>

CLIENT PROTECTION FUND

REVENUES: Actual revenues are on or slightly higher than budget (the majority of this revenue comes during the licensing season (January, February, and March).

EXPENSES: Actual expenses are under budget due to the timing of gifts to injured clients, which will increase over the course of the year.

PROJECTED NET RESULT: Although it is early in the year to project year end results, we expect the CPF fund to come in on budget at this time.

SECTIONS OPERATIONS

REVENUES: The majority of revenue collected by Sections is from member dues (most of which comes in during licensing season, but is recognized throughout the year). Through Q2, revenue is at 93.32% of budget.

EXPENSES: Through Q2, actual direct expenses are lower than budget at 48.38%, due to the timing of Section activities. As with Section dues, the WSBA Per-Member Charge will continue to be recognized through the year.

PROJECTED NET RESULT: Although it is early in the year to project year end results, we expect to come close to budget at this time.



WSBA Financial Reports

(Unaudited)

Year to Date March 31, 2018

**Prepared by Maggie Yu, Senior Accounting & Financial
Systems Manager**

**Submitted by
Ann Holmes, Chief Operations Officer
April 19, 2018**

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Maggie Yu, Senior Accounting & Financial Systems Manager

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through March 31, 2018

Date: April 18, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	50.00%	51.43%	\$160,258 (Over budget)	50.57%	Expected to be on budget
Benefits	50.00%	49.72%	\$11,239 (Under budget)	48.87%	Expected to be on or slightly under budget
Other Indirect Expenses	50.00%	45.73%	\$146,401 (Under budget)	43.97%	Expected to be on or slightly under budget
Total Indirect Expenses	50.00%	50.01%	\$2,618 (Over budget)	48.98%	Expected to be on budget

General Fund Revenues	50.00%	53.49%	\$660,822 (Over budget)	55.75%	Expected to be on or over budget
General Fund Direct Expenses	50.00%	35.96%	\$349,468 (Under budget)	38.70%	Expected to be on or slightly under budget

CLE Revenue	50.00%	46.43%	\$72,588 (Under budget)	41.99%	Expected to be on or slightly under budget
CLE Direct Expenses	50.00%	28.55%	\$144,198 (Under budget)	30.41%	Expected to be on or slightly under budget
CLE Indirect Expenses	50.00%	50.50%	\$6,908 (Over budget)	48.52%	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 February 28, 2018 (5 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of March 31, 2018 50.00% 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		-	129,325	259,434	12,530	51,600	141,855	311,034	(141,855)	(311,034)
Administration	53,128	55,000	557,630	1,081,774	(2,810)	3,045	554,814	1,084,819	(501,886)	(1,029,819)
Admissions/Bar Exam	893,270	1,327,400	392,608	788,834	145,421	392,117	538,029	1,180,951	355,241	146,448
Board of Governors		-	285,972	522,727	79,718	280,080	365,692	802,807	(365,692)	(802,807)
Communications Strategies	1,210	44,750	271,861	533,961	26,912	103,440	298,774	637,401	(297,564)	(592,651)
Conference & Broadcast Services		0	370,915	736,233	2,145	4,700	373,060	740,933	(373,060)	(740,933)
Discipline	56,695	130,300	2,727,269	5,474,703	92,149	256,825	2,819,418	5,731,529	(2,762,722)	(5,601,229)
Diversity	99,201	100,374	204,377	420,525	6,536	25,250	210,913	445,775	(111,712)	(345,401)
Foundation		-	75,394	151,053	1,019	17,600	76,413	168,653	(76,413)	(168,653)
Human Resources		-	191,179	271,830			191,179	271,830	(191,179)	(271,830)
Law Clerk Program	117,500	112,000	54,050	111,678	3,293	4,350	58,242	116,028	59,258	(4,028)
Legislative		-	45,290	126,743	4,802	24,700	50,092	151,443	(50,092)	(151,443)
Licensing and Membership Records	190,232	284,700	334,372	660,794	34,613	45,996	368,985	706,790	(178,753)	(422,090)
Licensing Fees	7,480,374	15,069,125					0	-	7,480,374	15,069,125
Limited License Legal Technician		-	117,224	234,401	8,974	25,600	126,198	260,001	(126,198)	(260,001)
Limited Practice Officers		-	77,924	159,464	1,764	3,000	79,688	156,182	(79,688)	(162,464)
Mandatory CLE	501,035	761,000	285,482	540,324	119,740	238,444	405,220	778,768	95,807	(17,768)
Member Assistance Program	5,850	10,000	64,257	132,743	776	1,500	65,032	134,243	(69,182)	(124,243)
Member Benefits	9,400		21,397	42,608	55,513	123,760	76,910	166,568	(67,510)	(166,568)
Mentorship Program		-	49,208	106,393	3,715	11,225	52,924	117,618	(52,924)	(117,618)
New Member Program	103,107	53,200	123,558	262,549	12,486	35,780	136,044	298,329	(32,930)	(245,129)
NW Lawyer	187,526	538,350	84,753	225,207	128,218	434,500	212,971	659,707	(25,440)	(121,357)
Office of General Counsel	160		387,729	811,285	2,602	13,295	390,331	824,591	(390,171)	(824,591)
OGC-Disciplinary Board		-	94,737	203,346	46,802	103,500	144,539	306,846	(141,539)	(306,846)
Outreach and Engagement		-	159,494	364,777	4,844	22,760	164,338	387,527	(164,338)	(387,527)
Practice Management Assistance	18,652	15,000.00	103,063	209,292	923	5,850	103,986	214,142	(105,334)	(199,142)
Practice of Law Board		-	52,036	103,433	8,211	15,200	60,247	118,633	(66,247)	(118,633)
Professional Responsibility Program		-	131,553	278,629	4,330	6,300	135,883	284,923	(135,883)	(284,923)
Public Service Programs	105,444	105,000	115,337	227,477	79,193	224,615	184,530	452,092	(69,090)	(347,092)
Publication and Design Services		-	78,084	158,281	4,100	4,100	82,184	162,381	(82,184)	(162,381)
Sections Administration	254,638	308,000	216,105	484,958	6,626	10,100	222,731	475,058	71,907	(167,058)
Technology		-	770,355	1,491,590			770,355	1,491,590	(770,355)	(1,491,590)
Subtotal General Fund	10,117,421	18,913,199	8,579,427	17,156,250	895,144	2,489,224	9,468,570	19,645,474	648,851	(732,275)
Expenses using reserve funds		-					9,468,570	-	-	-
Total General Fund - Net Result from Operations									648,851	(732,275)
Percentage of Budget	53.49%		49.97%		35.96%		48.20%			
CLE-Seminars and Products	896,642	1,862,235	570,467	1,128,154	173,305	577,582	743,812	1,705,736	152,810	156,499
CLE - Deskbooks	46,888	170,000	123,674	249,313	18,576	94,695	142,250	341,008	(95,362)	(171,008)
Total CLE	943,530	2,032,235	694,141	1,377,467	191,941	672,277	886,062	2,046,744	57,448	(14,509)
Percentage of Budget	46.43%		50.60%		28.55%		43.29%			
Total All Sections	501,834	613,210		-	437,051	903,363	437,051	903,363	64,783	(290,152)
Client Protection Fund-Restricted	998,092	992,500	82,315	163,813	36,543	403,000	118,959	566,813	879,133	425,687
Management of Western States Bar Conference (No WSBA Funds)	42,500	49,900			40,652	46,860	40,652	46,860	1,848	3,040
Totals	12,603,377	22,601,044	9,349,883	18,694,530	1,601,431	4,514,723.50	10,951,314	23,209,254	1,652,063	(608,209)
Percentage of Budget	55.76%		50.01%		35.47%		47.19%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,242,269	3,667,986	4,121,432
Western States Bar Conference	19,632	22,672	21,480
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	543,029
Section Funds	1,197,727	907,575	1,262,510
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	2,312,002
Total General Fund Balance	3,363,751	2,631,476	4,012,602
Net Change in general Fund Balance		(732,275)	648,851
Total Fund Balance	8,308,990	7,700,781	9,961,053
Net Change In Fund Balance		(608,209)	1,652,063

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2018 to March 31, 2018

50.00% 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	1,546,236.95	7,422,125.90	7,530,874.10	49.64%
LLLT LICENSE FEES	6,125.00	393.66	2,516.25	3,608.75	41.08%
LPO LICENSE FEES	109,000.00	9,333.90	55,731.81	53,268.19	51.13%
TOTAL REVENUE:	15,068,125.00	1,555,964.51	7,480,373.96	7,587,751.04	49.64%

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2018 to March 31, 2018
50.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	51.50	344.24	1,655.76	17.21%
ATJ BOARD EXPENSE	24,000.00	1,192.19	5,148.78	18,851.22	21.45%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	122.56	1,479.61	1,520.39	49.32%
STAFF TRAVEL/PARKING	2,700.00	68.24	105.24	2,594.76	3.90%
PUBLIC DEFENSE	8,400.00	581.79	2,319.57	6,080.43	27.61%
RECEPTION/FORUM EXPENSE	9,500.00	1,715.12	3,132.31	6,367.69	32.97%
TOTAL DIRECT EXPENSES:	<u>51,600.00</u>	<u>3,731.40</u>	<u>12,529.75</u>	<u>39,070.25</u>	<u>24.28%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	13,949.26	77,846.82	74,966.18	50.94%
BENEFITS EXPENSE	55,627.00	4,774.10	28,132.33	27,494.67	50.57%
OTHER INDIRECT EXPENSE	50,994.00	4,529.44	23,345.87	27,648.13	45.78%
TOTAL INDIRECT EXPENSES:	<u>259,434.00</u>	<u>23,252.80</u>	<u>129,325.02</u>	<u>130,108.98</u>	<u>49.85%</u>
TOTAL ALL EXPENSES:	<u>311,034.00</u>	<u>26,984.20</u>	<u>141,854.77</u>	<u>169,179.23</u>	<u>45.61%</u>
NET INCOME (LOSS):	<u>(311,034.00)</u>	<u>(26,984.20)</u>	<u>(141,854.77)</u>		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2018 to March 31, 2018
50.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	14,457.86	47,174.05	(22,174.05)	188.70%
GAIN/LOSS ON INVESTMENTS	30,000.00	10,066.52	5,687.53	24,312.47	18.96%
RPC BOOKLETS	-	-	266.22	(266.22)	
TOTAL REVENUE:	55,000.00	24,524.38	53,127.80	1,872.20	96.60%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	1,734.87	(4,611.81)	4,611.81	
STAFF TRAVEL/PARKING	2,500.00	350.00	1,796.00	704.00	71.84%
STAFF MEMBERSHIP DUES	545.00	-	-	545.00	0.00%
TOTAL DIRECT EXPENSES:	3,045.00	2,084.87	(2,815.81)	5,860.81	-92.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	79,699.09	357,066.84	306,759.16	53.79%
BENEFITS EXPENSE	226,598.00	19,201.72	113,133.29	113,464.71	49.93%
OTHER INDIRECT EXPENSE	191,350.00	16,962.58	87,429.59	103,920.41	45.69%
TOTAL INDIRECT EXPENSES:	1,081,774.00	115,863.39	557,629.72	524,144.28	51.55%
TOTAL ALL EXPENSES:	1,084,819.00	117,948.26	554,813.91	530,005.09	51.14%
NET INCOME (LOSS):	(1,029,819.00)	(93,423.88)	(501,686.11)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2018 to March 31, 2018
50.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS/BAR EXAMS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	278,800.00	840,480.00	359,520.00	70.04%
SPECIAL ADMISSIONS	60,000.00	3,720.00	29,140.00	30,860.00	48.57%
LLLT EXAM FEES	7,500.00	900.00	2,950.00	4,550.00	39.33%
LLLT WAIVER FEES	900.00	-	-	900.00	0.00%
LPO EXAMINATION FEES	24,000.00	15,800.00	20,700.00	3,300.00	86.25%
TOTAL REVENUE:	1,327,400.00	299,220.00	893,270.00	434,130.00	67.29%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	126.86	1,280.49	2,719.51	32.01%
STAFF TRAVEL/PARKING	10,240.00	2,458.05	4,377.45	5,862.55	42.75%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	1,000.00	173.06	2,839.24	(1,839.24)	283.92%
FACILITY, PARKING, FOOD	66,000.00	13,639.52	42,885.99	23,114.01	64.98%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	36,069.00	36,069.00	93,931.00	27.75%
BOARD OF BAR EXAMINERS	25,000.00	8,708.61	9,158.61	15,841.39	36.63%
BAR EXAM PROCTORS	30,000.00	11,074.00	11,074.00	18,926.00	36.91%
CHARACTER & FITNESS BOARD	20,000.00	1,760.33	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	-	3,192.00	(2,292.00)	354.67%
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	1,577.67	5,516.93	12,483.07	30.65%
TOTAL DIRECT EXPENSES:	392,117.00	75,587.10	145,421.22	246,695.78	37.09%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	45,565.41	238,977.13	224,712.87	51.54%
BENEFITS EXPENSE	174,590.00	14,397.41	84,846.86	89,743.14	48.60%
OTHER INDIRECT EXPENSE	150,554.00	13,345.13	68,784.24	81,769.76	45.69%
TOTAL INDIRECT EXPENSES:	788,834.00	73,307.95	392,608.23	396,225.77	49.77%
TOTAL ALL EXPENSES:	1,180,951.00	148,895.05	538,029.45	642,921.55	45.56%
NET INCOME (LOSS):	146,449.00	150,324.95	355,240.55		

Washington State Bar Association
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	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	559.73	2,443.73	2,256.27	51.99%
STAFF MEMBERSHIP DUES	1,880.00	-	550.00	1,330.00	29.26%
TELEPHONE	1,000.00	151.16	460.05	539.95	46.01%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	2,324.79	47,617.92	67,382.08	41.41%
BOG COMMITTEES' EXPENSES	30,000.00	2,546.10	11,270.60	18,729.40	37.57%
BOG CONFERENCE ATTENDANCE	17,500.00	1,538.14	4,228.31	13,271.69	24.16%
BOG TRAVEL & OUTREACH	45,000.00	3,248.85	11,771.80	33,228.20	26.16%
ED TRAVEL & OUTREACH	5,000.00	289.92	1,375.13	3,624.87	27.50%
TOTAL DIRECT EXPENSES:	280,080.00	10,658.69	79,717.54	200,362.46	28.46%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	29,772.81	205,188.77	152,565.23	57.35%
BENEFITS EXPENSE	105,480.00	9,094.99	53,519.65	51,960.35	50.74%
OTHER INDIRECT EXPENSE	59,493.00	5,289.45	27,263.12	32,229.88	45.83%
TOTAL INDIRECT EXPENSES:	522,727.00	44,157.25	285,971.54	236,755.46	54.71%
TOTAL ALL EXPENSES:	802,807.00	54,815.94	365,689.08	437,117.92	45.55%
NET INCOME (LOSS):	(802,807.00)	(54,815.94)	(365,689.08)		

Washington State Bar Association
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For the Period from March 1, 2018 to March 31, 2018
50.00% 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	458.16	2,158.75	481.25	81.77%
STAFF MEMBERSHIP DUES	1,700.00	-	867.50	832.50	51.03%
SUBSCRIPTIONS	10,050.00	16.96	6,530.29	3,519.71	64.98%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	315.60	758.60	691.40	52.32%
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	200.58	1,451.72	13,548.28	9.68%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	103,440.00	991.30	26,912.38	76,527.62	26.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	31,095.88	170,594.74	134,659.26	55.89%
BENEFITS EXPENSE	115,063.00	8,454.37	49,247.48	65,815.52	42.80%
OTHER INDIRECT EXPENSE	113,644.00	10,092.42	52,019.08	61,624.92	45.77%
TOTAL INDIRECT EXPENSES:	533,961.00	49,642.67	271,861.30	262,099.70	50.91%
TOTAL ALL EXPENSES:	637,401.00	50,633.97	298,773.68	338,627.32	46.87%
NET INCOME (LOSS):	(592,651.00)	(50,633.97)	(297,563.68)		

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	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	75.00	1,125.00	6.25%
TRANSLATION SERVICES	3,500.00	576.70	2,069.80	1,430.20	59.14%
TOTAL DIRECT EXPENSES:	4,700.00	651.70	2,144.80	2,555.20	45.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	38,332.52	208,619.74	191,718.26	52.11%
BENEFITS EXPENSE	162,272.00	14,209.01	83,508.69	78,763.31	51.46%
OTHER INDIRECT EXPENSE	173,623.00	15,300.22	78,786.27	94,836.73	45.38%
TOTAL INDIRECT EXPENSES:	736,233.00	67,841.75	370,914.70	365,318.30	50.38%
TOTAL ALL EXPENSES:	740,933.00	68,493.45	373,059.50	367,873.50	50.35%
NET INCOME (LOSS):	(740,933.00)	(68,493.45)	(373,059.50)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	276.25	3,321.25	(1,021.25)	144.40%
RECOVERY OF DISCIPLINE COSTS	115,000.00	11,769.67	45,570.34	69,429.66	39.63%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,309.74	7,803.35	5,196.65	60.03%
TOTAL REVENUE:	130,300.00	13,355.66	56,694.94	73,605.06	43.51%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	858.00	5,149.00	11,879.00	30.24%
PUBLICATIONS PRODUCTION	330.00	-	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	4,672.39	19,625.17	19,834.83	49.73%
STAFF MEMBERSHIP DUES	3,308.00	-	1,875.00	1,433.00	56.68%
TELEPHONE	2,800.00	182.44	1,093.44	1,706.56	39.05%
COURT REPORTERS	65,000.00	5,155.86	9,137.84	55,862.16	14.06%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	3,046.13	8,380.65	21,619.35	27.94%
DISABILITY EXPENSES	15,000.00	-	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	11,028.91	33,356.28	33,543.72	49.86%
LAW LIBRARY	12,000.00	-	11,040.10	959.90	92.00%
TRANSLATION SERVICES	3,000.00	750.00	1,052.33	1,947.67	35.08%
POSTAGE	-	-	9.82	(9.82)	
TOTAL DIRECT EXPENSES:	256,826.00	25,693.73	92,149.21	164,676.79	35.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	336,137.47	1,736,777.98	1,699,971.02	50.54%
BENEFITS EXPENSE	1,142,156.00	98,941.44	580,918.87	561,237.13	50.86%
OTHER INDIRECT EXPENSE	895,798.00	79,462.74	409,571.68	486,226.32	45.72%
TOTAL INDIRECT EXPENSES:	5,474,703.00	514,541.65	2,727,268.53	2,747,434.47	49.82%
TOTAL ALL EXPENSES:	5,731,529.00	540,235.38	2,819,417.74	2,912,111.26	49.19%
NET INCOME (LOSS):	(5,601,229.00)	(526,879.72)	(2,762,722.80)		

Washington State Bar Association
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50.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS & GRANTS	90,000.00	-	97,500.00	(7,500.00)	108.33%
WORK STUDY GRANTS	10,374.00	1,002.75	1,701.00	8,673.00	16.40%
TOTAL REVENUE:	100,374.00	1,002.75	99,201.00	1,173.00	98.83%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	231.93	1,562.55	6,437.45	19.53%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	611.69	1,452.63	4,747.37	23.43%
DIVERSITY EVENTS & PROJECTS	10,000.00	893.70	3,520.55	6,479.45	35.21%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSE:	25,250.00	1,737.32	6,535.73	18,714.27	25.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	24,214.51	124,541.61	131,279.39	48.68%
BENEFITS EXPENSE	86,756.00	7,516.34	44,268.25	42,487.75	51.03%
OTHER INDIRECT EXPENSE	77,948.00	6,900.58	35,567.24	42,380.76	45.63%
TOTAL INDIRECT EXPENSES:	420,525.00	38,631.43	204,377.10	216,147.90	48.60%
TOTAL ALL EXPENSES:	445,775.00	40,368.75	210,912.83	234,862.17	47.31%
NET INCOME (LOSS):	(345,401.00)	(39,366.00)	(111,711.83)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	1,500.00	-	496.81	1,003.19	33.12%
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	23.85	340.00	4,660.00	6.80%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	23.85	1,018.62	16,581.38	5.79%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	8,057.47	45,861.73	43,338.27	51.41%
BENEFITS EXPENSE	32,713.00	2,751.15	16,214.12	16,498.88	49.56%
OTHER INDIRECT EXPENSE	29,140.00	2,583.89	13,318.14	15,821.86	45.70%
TOTAL INDIRECT EXPENSES:	151,053.00	13,392.51	75,393.99	75,659.01	49.91%
TOTAL ALL EXPENSES:	168,653.00	13,416.36	76,412.61	92,240.39	45.31%
NET INCOME (LOSS):	(168,653.00)	(13,416.36)	(76,412.61)		

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	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	-	-	150.00	0.00%
STAFF MEMBERSHIP DUES	1,188.00	-	678.00	510.00	57.07%
SUBSCRIPTIONS	1,938.00	1,646.00	1,752.92	185.08	90.45%
STAFF TRAINING- GENERAL	29,400.00	247.74	14,914.23	14,485.77	50.73%
RECRUITING AND ADVERTISING	7,000.00	158.87	2,758.75	4,241.25	39.41%
PAYROLL PROCESSING	55,000.00	3,838.31	24,078.87	30,921.13	43.78%
SALARY SURVEYS	2,900.00	624.80	624.80	2,275.20	21.54%
THIRD PARTY SERVICES	22,500.00	-	13,487.25	9,012.75	59.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(6,515.72)	(58,294.82)	(61,781.18)	48.55%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	23,278.10	122,553.06	128,525.94	48.81%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,967.61	41,049.29	39,479.71	50.97%
OTHER INDIRECT EXPENSE	60,222.00	5,350.21	27,576.41	32,645.59	45.79%
TOTAL INDIRECT EXPENSES:	271,830.00	35,595.92	191,178.76	80,651.24	70.33%
TOTAL ALL EXPENSES:	271,830.00	35,595.92	191,178.76	80,651.24	70.33%
NET INCOME (LOSS):	(271,830.00)	(35,595.92)	(191,178.76)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	5,000.00	115,700.00	(5,700.00)	105.18%
LAW CLERK APPLICATION FEES	2,000.00	700.00	1,800.00	200.00	90.00%
TOTAL REVENUE:	112,000.00	5,700.00	117,500.00	(5,500.00)	104.91%
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	307.17	3,042.69	957.31	76.07%
TOTAL DIRECT EXPENSES:	4,350.00	307.17	3,292.69	1,057.31	75.69%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	6,901.59	33,666.75	33,625.25	50.03%
BENEFITS EXPENSE	23,746.00	2,017.05	11,881.88	11,864.12	50.04%
OTHER INDIRECT EXPENSE	20,640.00	1,823.94	9,401.05	11,238.95	45.55%
TOTAL INDIRECT EXPENSES:	111,678.00	10,742.58	54,949.68	56,728.32	49.20%
TOTAL ALL EXPENSES:	116,028.00	11,049.75	58,242.37	57,785.63	50.20%
NET INCOME (LOSS):	(4,028.00)	(5,349.75)	59,257.63		

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	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	315.00	889.57	7,110.43	11.12%
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	160.06	2,839.94	5.34%
OLYMPIA RENT	2,500.00	489.84	979.68	1,520.32	39.19%
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	4.71	258.58	2,241.42	10.34%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	836.26	4,802.29	19,897.71	19.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	11,656.99	24,180.89	51,199.11	32.08%
BENEFITS EXPENSE	27,080.00	1,543.80	9,974.47	17,105.53	36.83%
OTHER INDIRECT EXPENSE	24,283.00	2,158.32	11,124.55	13,158.45	45.81%
TOTAL INDIRECT EXPENSES:	126,743.00	15,359.11	45,279.91	81,463.09	35.73%
TOTAL ALL EXPENSES:	151,443.00	16,195.37	50,082.20	101,360.80	33.07%
NET INCOME (LOSS):	(151,443.00)	(16,195.37)	(50,082.20)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,473.34	9,242.96	12,757.04	42.01%
RULE 9/LEGAL INTERN FEES	11,000.00	400.00	2,100.00	8,900.00	19.09%
INVESTIGATION FEES	20,000.00	2,600.00	10,700.00	9,300.00	53.50%
PRO HAC VICE	210,000.00	27,838.00	156,599.00	53,401.00	74.57%
MEMBER CONTACT INFORMATION	21,000.00	2,235.05	11,314.12	9,685.88	53.88%
PHOTO BAR CARD SALES	700.00	84.00	276.00	424.00	39.43%
TOTAL REVENUE:	284,700.00	34,630.39	190,232.08	94,467.92	66.82%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	5,754.00	5,742.00	50.05%
POSTAGE	31,500.00	20,655.91	26,858.74	4,641.26	85.27%
LICENSING FORMS	3,000.00	-	2,000.07	999.93	66.67%
TOTAL DIRECT EXPENSES:	45,996.00	21,806.91	34,612.81	11,383.19	75.25%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	41,526.88	213,520.71	197,365.29	51.97%
BENEFITS EXPENSE	136,992.00	11,759.98	69,302.60	67,689.40	50.59%
OTHER INDIRECT EXPENSE	112,916.00	10,001.23	51,548.94	61,367.06	45.65%
TOTAL INDIRECT EXPENSES:	660,794.00	63,288.09	334,372.25	326,421.75	50.60%
TOTAL ALL EXPENSES:	706,790.00	85,095.00	368,985.06	337,804.94	52.21%
NET INCOME (LOSS):	(422,090.00)	(50,464.61)	(178,752.98)		

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	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	44.00	44.00	556.00	7.33%
LLLT BOARD	17,000.00	2,924.05	8,155.85	8,844.15	47.98%
LLLT OUTREACH	8,000.00	324.14	774.14	7,225.86	9.68%
TOTAL DIRECT EXPENSES:	25,600.00	3,292.19	8,973.99	16,626.01	35.05%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	142,602.00	16,250.05	72,986.06	69,615.94	51.18%
BENEFITS EXPENSE	49,304.00	4,208.05	24,808.72	24,495.28	50.32%
OTHER INDIRECT EXPENSE	42,495.00	3,769.48	19,428.83	23,066.17	45.72%
TOTAL INDIRECT EXPENSES:	234,401.00	24,227.58	117,223.61	117,177.39	50.01%
TOTAL ALL EXPENSES:	260,001.00	27,519.77	126,197.60	133,803.40	48.54%
NET INCOME (LOSS):	(260,001.00)	(27,519.77)	(126,197.60)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	289.60	1,763.69	1,236.31	58.79%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>289.60</u>	<u>1,763.69</u>	<u>1,236.31</u>	<u>58.79%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	9,580.39	48,095.93	49,493.07	49.28%
BENEFITS EXPENSE	33,707.00	2,875.66	16,980.06	16,726.94	50.38%
OTHER INDIRECT EXPENSE	<u>28,168.00</u>	<u>2,492.75</u>	<u>12,848.06</u>	<u>15,319.94</u>	<u>45.61%</u>
TOTAL INDIRECT EXPENSES:	<u>159,464.00</u>	<u>14,948.80</u>	<u>77,924.05</u>	<u>81,539.95</u>	<u>48.87%</u>
TOTAL ALL EXPENSES:	<u>162,464.00</u>	<u>15,238.40</u>	<u>79,687.74</u>	<u>82,776.26</u>	<u>49.05%</u>
NET INCOME (LOSS):	<u>(162,464.00)</u>	<u>(15,238.40)</u>	<u>(79,687.74)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CLE ADMINISTRATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	35,100.00	155,200.00	126,800.00	55.04%
FORM 1 LATE FEES	100,000.00	15,610.00	75,565.00	24,435.00	75.57%
MEMBER LATE FEES	203,000.00	47,018.00	149,868.00	53,132.00	73.83%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	3,592.00	27,681.00	32,319.00	46.14%
ATTENDANCE LATE FEES	60,000.00	4,515.00	36,645.00	23,355.00	61.08%
COMITY CERTIFICATES	29,000.00	1,125.01	26,575.67	2,424.33	91.64%
TOTAL REVENUE:	761,000.00	106,960.01	501,034.67	259,965.33	65.84%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,080.00	119,394.00	116,550.00	50.60%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	-	352.04	1,647.96	17.60%
TOTAL DIRECT EXPENSES:	238,444.00	20,080.00	119,746.04	118,697.96	50.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	29,384.36	176,204.46	135,610.54	56.51%
BENEFITS EXPENSE	113,165.00	9,874.11	56,474.63	56,690.37	49.90%
OTHER INDIRECT EXPENSE	115,344.00	10,244.40	52,802.47	62,541.53	45.78%
TOTAL INDIRECT EXPENSES:	540,324.00	49,502.87	285,481.56	254,842.44	52.84%
TOTAL ALL EXPENSES:	778,768.00	69,582.87	405,227.60	373,540.40	52.03%
NET INCOME (LOSS):	(17,768.00)	37,377.14	95,807.07		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	575.00	5,580.00	4,420.00	55.80%
LAP GROUPS REVENUE	-	30.00	270.00	(270.00)	
TOTAL REVENUE:	10,000.00	605.00	5,850.00	4,150.00	58.50%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
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	-	775.50	724.50	51.70%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	7,498.38	40,867.31	38,953.69	51.20%
BENEFITS EXPENSE	31,796.00	2,324.34	13,674.89	18,121.11	43.01%
OTHER INDIRECT EXPENSE	21,126.00	1,884.72	9,714.35	11,411.65	45.98%
TOTAL INDIRECT EXPENSES:	132,743.00	11,707.44	64,256.55	68,486.45	48.41%
TOTAL ALL EXPENSES:	134,243.00	11,707.44	65,032.05	69,210.95	48.44%
NET INCOME (LOSS):	(124,243.00)	(11,102.44)	(59,182.05)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER BENEFITS					
REVENUE:					
MP3 SALES	-	147.00	931.00	(931.00)	
DIGITAL VIDEO SALES	-	245.00	3,969.00	(3,969.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	392.00	9,400.00	(9,400.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	1,142.04	557.96	67.18%
WSBA CONNECTS	46,560.00	11,640.00	23,280.00	23,280.00	50.00%
CASEMAKER	75,000.00	-	31,090.99	43,909.01	41.45%
TOTAL DIRECT EXPENSES:	123,760.00	11,640.00	55,513.03	68,246.97	44.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	23,718.00	2,235.75	12,166.50	11,551.50	51.30%
BENEFITS EXPENSE	9,377.00	826.94	4,843.63	4,533.37	51.65%
OTHER INDIRECT EXPENSE	9,713.00	851.20	4,387.16	5,325.84	45.17%
TOTAL INDIRECT EXPENSES:	42,808.00	3,913.89	21,397.29	21,410.71	49.98%
TOTAL ALL EXPENSES:	166,568.00	15,553.89	76,910.32	89,657.68	46.17%
NET INCOME (LOSS):	(166,568.00)	(15,161.89)	(67,510.32)		

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	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	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	8.62	17.22	2,482.78	0.69%
RECEPTION/FORUM EXPENSE	6,500.00	600.00	2,880.87	3,619.13	44.32%
TOTAL DIRECT EXPENSES:	11,225.00	1,422.07	3,715.15	7,509.85	33.10%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	6,337.08	27,530.39	34,215.61	44.59%
BENEFITS EXPENSE	22,792.00	1,979.50	11,650.27	11,141.73	51.12%
OTHER INDIRECT EXPENSE	21,855.00	1,945.53	10,027.77	11,827.23	45.88%
TOTAL INDIRECT EXPENSES:	106,393.00	10,262.11	49,208.43	57,184.57	46.25%
TOTAL ALL EXPENSES:	117,618.00	11,684.18	52,923.58	64,694.42	45.00%
NET INCOME (LOSS):	(117,618.00)	(11,684.18)	(52,923.58)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	4,275.00	61,615.05	(46,615.05)	410.77%
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	4,275.00	103,106.51	(49,906.51)	193.81%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	60.00	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	40.50	618.80	881.20	41.25%
NEW LAWYER OUTREACH EVENTS	3,000.00	-	1,138.72	1,861.28	37.96%
NEW LAWYERS COMMITTEE	15,000.00	288.47	1,750.35	13,249.65	11.67%
OPEN SECTIONS NIGHT	3,000.00	-	5,253.80	(2,253.80)	175.13%
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	388.97	12,485.89	23,294.11	34.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	14,298.92	70,077.90	82,641.10	45.89%
BENEFITS EXPENSE	56,408.00	4,925.76	29,037.67	27,370.33	51.48%
OTHER INDIRECT EXPENSE	53,422.00	4,742.23	24,442.73	28,979.27	45.75%
TOTAL INDIRECT EXPENSES:	262,549.00	23,966.91	123,558.30	138,990.70	47.06%
TOTAL ALL EXPENSES:	298,329.00	24,355.88	136,044.19	162,284.81	45.60%
NET INCOME (LOSS):	(245,129.00)	(20,080.88)	(32,937.68)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	-	112,221.25	287,778.75	28.06%
SUBSCRIPT/SINGLE ISSUES	350.00	-	144.00	206.00	41.14%
CLASSIFIED ADVERTISING	100,000.00	15,019.48	65,044.88	34,955.12	65.04%
GEN ANNOUNCEMENTS	15,000.00	-	3,150.00	11,850.00	21.00%
PROF ANNOUNCEMENTS	23,000.00	-	5,817.50	17,182.50	25.29%
TOTAL REVENUE:	538,350.00	15,019.48	187,526.43	350,823.57	34.83%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	-	643.00	5,357.00	10.72%
POSTAGE	89,000.00	9,765.49	48,194.13	40,805.87	54.15%
PRINTING, COPYING & MAILING	250,000.00	-	75,618.12	174,381.88	30.25%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	700.00	2,800.00	7,400.00	27.45%
GRAPHICS/ARTWORK	3,500.00	151.28	882.80	2,617.20	25.22%
OUTSIDE SALES EXPENSE	75,000.00	-	-	75,000.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	23.85	80.29	719.71	10.04%
TOTAL DIRECT EXPENSES:	434,500.00	10,640.62	128,218.34	306,281.66	29.51%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	7,998.17	42,935.85	86,267.15	33.23%
BENEFITS EXPENSE	52,295.00	3,920.25	21,761.74	30,533.26	41.61%
OTHER INDIRECT EXPENSE	43,709.00	3,891.04	20,055.55	23,653.45	45.88%
TOTAL INDIRECT EXPENSES:	225,207.00	15,809.46	84,753.14	140,453.86	37.63%
TOTAL ALL EXPENSES:	659,707.00	26,450.08	212,971.48	446,735.52	32.28%
NET INCOME (LOSS):	(121,357.00)	(11,430.60)	(25,445.05)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	29.11	160.10	(160.10)	
TOTAL REVENUE:	-	29.11	160.10	(160.10)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	323.44	1,795.81	1,444.19	55.43%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
COURT RULES COMMITTEE	4,000.00	383.21	534.00	3,466.00	13.35%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	142.29	272.04	2,227.96	10.88%
TOTAL DIRECT EXPENSES:	13,296.00	848.94	2,601.85	10,694.15	19.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	44,316.85	244,630.41	263,221.59	48.17%
BENEFITS EXPENSE	172,072.00	14,104.21	83,089.18	88,982.82	48.29%
OTHER INDIRECT EXPENSE	131,371.00	11,642.78	60,009.89	71,361.11	45.68%
TOTAL INDIRECT EXPENSES:	811,295.00	70,063.84	387,729.48	423,565.52	47.79%
TOTAL ALL EXPENSES:	824,591.00	70,912.78	390,331.33	434,259.67	47.34%
NET INCOME (LOSS):	(824,591.00)	(70,883.67)	(390,171.23)		

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OGC-DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	2,777.94	7,017.55	2,982.45	70.18%
CHIEF HEARING OFFICER	33,000.00	2,500.00	15,333.60	17,666.40	46.47%
HEARING OFFICER EXPENSES	3,000.00	1,273.28	1,475.19	1,524.81	49.17%
HEARING OFFICER TRAINING	2,000.00	897.25	897.25	1,102.75	44.86%
OUTSIDE COUNSEL	55,000.00	3,000.00	21,750.00	33,250.00	39.55%
TOTAL DIRECT EXPENSES:	103,500.00	10,448.47	46,801.79	56,698.21	45.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	10,760.24	56,273.64	63,152.36	47.12%
BENEFITS EXPENSE	45,067.00	3,523.50	20,757.76	24,309.24	46.06%
OTHER INDIRECT EXPENSE	38,853.00	3,435.09	17,705.35	21,147.65	45.57%
TOTAL INDIRECT EXPENSES:	203,346.00	17,718.83	94,736.75	108,609.25	46.59%
TOTAL ALL EXPENSES:	306,846.00	28,167.30	141,538.54	165,307.46	46.13%
NET INCOME (LOSS):	(306,846.00)	(28,167.30)	(141,538.54)		

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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	440.00	4,060.00	9.78%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	1,799.36	1,881.14	2,618.86	41.80%
BOG ELECTIONS	6,500.00	713.29	713.29	5,786.71	10.97%
BAR OUTREACH	5,000.00	658.91	966.32	4,033.68	19.33%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	3,611.56	4,843.84	17,906.16	21.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	22,895.32	93,301.57	124,995.43	42.74%
BENEFITS EXPENSE	77,759.00	5,733.72	34,855.78	42,903.22	44.83%
OTHER INDIRECT EXPENSE	68,721.00	6,079.78	31,336.75	37,384.25	45.60%
TOTAL INDIRECT EXPENSES:	364,777.00	34,708.82	159,494.10	205,282.90	43.72%
TOTAL ALL EXPENSES:	387,527.00	38,320.38	164,337.94	223,189.06	42.41%
NET INCOME (LOSS):	(387,527.00)	(38,320.38)	(164,337.94)		

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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	5.93	32.65	67.35	32.65%
LIBRARY MATERIALS/RESOURCES	1,000.00	18.39	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	24.32	923.02	4,926.98	15.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	11,704.59	64,155.12	63,904.88	50.10%
BENEFITS EXPENSE	43,808.00	3,783.64	22,299.19	21,508.81	50.90%
OTHER INDIRECT EXPENSE	36,424.00	3,222.27	16,608.54	19,815.46	45.60%
TOTAL INDIRECT EXPENSES:	208,292.00	18,710.50	103,062.85	105,229.15	49.48%
TOTAL ALL EXPENSES:	214,142.00	18,734.82	103,985.87	110,156.13	48.56%
NET INCOME (LOSS):	(199,142.00)	(18,734.82)	(85,333.54)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2018 to March 31, 2018
50.00% 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	1,777.84	8,210.80	6,789.20	54.74%
TOTAL DIRECT EXPENSES:	15,200.00	1,777.84	8,210.80	6,989.20	54.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	7,589.22	34,539.34	31,625.66	52.20%
BENEFITS EXPENSE	21,484.00	1,744.86	10,289.60	11,194.40	47.89%
OTHER INDIRECT EXPENSE	15,784.00	1,398.33	7,207.38	8,576.62	45.66%
TOTAL INDIRECT EXPENSES:	103,433.00	10,732.41	52,036.32	51,396.68	50.31%
TOTAL ALL EXPENSES:	118,633.00	12,510.25	60,247.12	58,385.88	50.78%
NET INCOME (LOSS):	(118,633.00)	(12,510.25)	(60,247.12)		

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	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	339.99	1,532.41	267.59	85.13%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,000.00	29.96	2,797.88	1,202.12	69.95%
TOTAL DIRECT EXPENSES:	<u>6,300.00</u>	<u>369.95</u>	<u>4,330.29</u>	<u>1,969.71</u>	<u>68.73%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	15,097.45	82,298.87	87,459.13	48.48%
BENEFITS EXPENSE	62,970.00	4,795.11	28,258.06	34,711.94	44.88%
OTHER INDIRECT EXPENSE	<u>45,895.00</u>	<u>4,073.48</u>	<u>20,995.70</u>	<u>24,899.30</u>	<u>45.75%</u>
TOTAL INDIRECT EXPENSES:	<u>278,623.00</u>	<u>23,966.04</u>	<u>131,552.63</u>	<u>147,070.37</u>	<u>47.22%</u>
TOTAL ALL EXPENSES:	<u>284,923.00</u>	<u>24,335.99</u>	<u>135,882.92</u>	<u>149,040.08</u>	<u>47.69%</u>
NET INCOME (LOSS):	<u>(284,923.00)</u>	<u>(24,335.99)</u>	<u>(135,882.92)</u>		

Washington State Bar Association
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	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	244.00	2,944.00	7,056.00	29.44%
TOTAL REVENUE:	105,000.00	244.00	105,444.00	(444.00)	100.42%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	76,981.08	130,933.92	37.03%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	441.48	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	57.48	553.74	1,446.26	27.69%
DAY OF SERVICE	11,500.00	1,084.38	1,084.38	10,415.62	9.43%
TOTAL DIRECT EXPENSES:	224,615.00	1,583.34	79,193.45	145,421.55	35.26%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	13,633.94	70,962.07	65,473.93	52.01%
BENEFITS EXPENSE	48,060.00	4,204.52	24,789.47	23,270.53	51.58%
OTHER INDIRECT EXPENSE	42,981.00	3,799.84	19,585.46	23,395.54	45.57%
TOTAL INDIRECT EXPENSES:	227,477.00	21,638.30	115,337.00	112,140.00	50.70%
TOTAL ALL EXPENSES:	452,092.00	23,221.64	194,530.45	257,561.55	43.03%
NET INCOME (LOSS):	(347,092.00)	(22,977.64)	(89,086.45)		

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	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	8,227.93	45,699.33	44,487.67	50.67%
BENEFITS EXPENSE	34,341.00	2,902.30	16,873.11	17,467.89	49.13%
OTHER INDIRECT EXPENSE	33,753.00	3,009.47	15,511.77	18,241.23	45.96%
TOTAL INDIRECT EXPENSES:	158,281.00	14,139.70	78,084.21	80,196.79	49.33%
TOTAL ALL EXPENSES:	162,381.00	14,139.70	82,184.21	80,196.79	50.61%
NET INCOME (LOSS):	(162,381.00)	(14,139.70)	(82,184.21)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	11,662.50	294,637.50	13,362.50	95.66%
TOTAL REVENUE:	308,000.00	11,662.50	294,637.50	13,362.50	95.66%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	(104.56)	254.65	945.35	21.22%
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	(104.56)	6,625.86	3,474.14	65.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	17,037.86	121,934.31	144,912.69	45.69%
BENEFITS EXPENSE	100,979.00	8,754.30	49,828.73	51,150.27	49.35%
OTHER INDIRECT EXPENSE	97,132.00	8,602.92	44,341.60	52,790.40	45.65%
TOTAL INDIRECT EXPENSES:	464,958.00	34,395.08	216,104.64	248,853.36	46.48%
TOTAL ALL EXPENSES:	475,058.00	34,290.52	222,730.50	252,327.50	46.88%
NET INCOME (LOSS):	(167,058.00)	(22,628.02)	71,907.00		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	2,719.50	25,965.60	84,034.40	23.61%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	45.00	45.00	65.00	40.91%
TELEPHONE	24,000.00	1,431.16	8,929.63	15,070.37	37.21%
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	13,993.59	63,690.78	206,309.22	23.59%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	1,612.75	9,242.50	16,757.50	35.55%
COMPUTER SUPPLIES	34,000.00	29.69	5,407.44	28,592.56	15.90%
THIRD PARTY SERVICES	74,050.00	1,392.25	32,439.50	41,610.50	43.81%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(21,223.94)	(185,848.12)	(459,811.88)	28.78%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	95,524.84	519,732.63	516,340.37	50.16%
BENEFITS EXPENSE	355,694.00	29,675.46	178,399.85	177,294.15	50.16%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(12,116.40)	(62,583.84)	(131,416.16)	32.26%
OTHER INDIRECT EXPENSE	293,823.00	26,051.83	134,806.23	159,016.77	45.88%
TOTAL INDIRECT EXPENSES:	1,491,590.00	139,135.73	770,354.87	721,235.13	51.65%
TOTAL ALL EXPENSES:	1,491,590.00	139,135.73	770,354.87	721,235.13	51.65%
NET INCOME (LOSS):	(1,491,590.00)	(139,135.73)	(770,354.87)		

Washington State Bar Association

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	36,280.00	262,707.23	602,027.77	30.38%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	-	2,000.00	27,500.00	6.78%
SHIPPING & HANDLING	1,000.00	270.00	1,044.00	(44.00)	104.40%
COURSEBOOK SALES	17,000.00	763.00	5,986.24	11,013.76	35.21%
MP3 AND VIDEO SALES	950,000.00	26,998.74	624,904.19	325,095.81	65.78%
TOTAL REVENUE:	1,862,235.00	64,311.74	896,641.66	965,593.34	48.15%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	55.31	656.33	3,343.67	16.41%
POSTAGE - FLIERS/CATALOGS	30,000.00	-	1,119.84	28,880.16	3.73%
POSTAGE - MISC./DELIVERY	2,500.00	140.00	245.00	2,255.00	9.80%
DEPRECIATION	10,615.00	632.00	1,912.00	8,703.00	18.01%
ONLINE EXPENSES	82,000.00	3,691.64	60,584.52	21,415.48	73.88%
ACCREDITATION FEES	3,550.00	471.00	3,493.00	57.00	98.39%
SEMINAR BROCHURES	55,000.00	673.23	6,282.85	48,717.15	11.42%
FACILITIES	250,000.00	12,000.00	69,490.88	180,509.12	27.80%
SPEAKERS & PROGRAM DEVELOP	58,000.00	752.27	11,062.47	46,937.53	19.07%
SPLITS TO SECTIONS	51,777.00	16,613.72	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	457.64	778.55	1,221.45	38.93%
COST OF SALES - COURSEBOOKS	1,190.00	67.92	581.24	608.76	48.84%
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	-	206.70	1,793.30	10.34%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	35,554.73	173,364.60	404,217.40	30.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.94 FTE)	641,812.00	60,372.67	334,585.24	307,226.76	52.13%
BENEFITS EXPENSE	244,970.00	21,320.78	125,576.41	119,393.59	51.26%
OTHER INDIRECT EXPENSE	241,372.00	21,400.83	110,305.37	131,066.63	45.70%
TOTAL INDIRECT EXPENSES:	1,128,154.00	103,094.28	570,467.02	557,686.98	50.57%
TOTAL ALL EXPENSES:	1,705,736.00	138,649.01	743,831.62	961,904.38	43.61%
NET INCOME (LOSS):	156,499.00	(74,337.27)	152,810.04		

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	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	3,069.10	17,813.21	82,186.79	17.81%
SECTION PUBLICATION SALES	6,000.00	740.00	2,690.00	3,310.00	44.83%
CASEMAKER ROYALTIES	60,000.00	-	26,163.83	33,836.17	43.61%
TOTAL REVENUE:	170,000.00	3,809.10	46,888.04	123,111.96	27.58%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	2,137.30	12,337.01	57,662.99	17.62%
COST OF SALES - SECTION PUBLICATION	1,000.00	117.06	466.12	533.88	46.61%
SPLITS TO SECTIONS	2,000.00	380.32	2,143.70	(143.70)	107.19%
DESKBOOK ROYALTIES	1,000.00	250.79	414.87	585.13	41.49%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	42.65	(1,149.93)	4,149.93	-38.33%
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	1,240.00	4,340.00	3,100.00	58.33%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
STAFF TRAVEL/PARKING	-	-	24.26	(24.26)	
TOTAL DIRECT EXPENSES:	94,695.00	4,168.12	18,576.03	76,118.97	19.62%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	12,888.59	72,341.01	68,371.99	51.41%
BENEFITS EXPENSE	53,392.00	4,671.30	27,517.42	25,874.58	51.54%
OTHER INDIRECT EXPENSE	52,208.00	4,620.66	23,816.00	28,392.00	45.62%
TOTAL INDIRECT EXPENSES:	246,313.00	22,180.55	123,674.43	122,638.57	50.21%
TOTAL ALL EXPENSES:	341,008.00	26,348.67	142,250.46	198,757.54	41.71%
NET INCOME (LOSS):	(171,008.00)	(22,539.57)	(95,362.42)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	397.03	26,289.07	(23,289.07)	876.30%
CPF MEMBER ASSESSMENTS	982,000.00	34,860.00	956,727.80	25,272.20	97.43%
INTEREST INCOME	7,500.00	2,726.76	15,075.00	(7,575.00)	201.00%
TOTAL REVENUE:	992,500.00	37,983.79	998,091.87	(5,591.87)	100.56%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(146.94)	(435.24)	1,435.24	-43.52%
GIFTS TO INJURED CLIENTS	400,000.00	5,000.00	36,290.50	363,709.50	9.07%
CPF BOARD EXPENSES	2,000.00	66.59	788.06	1,211.94	39.40%
TOTAL DIRECT EXPENSES:	403,000.00	4,919.65	36,643.32	366,356.68	9.09%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	8,911.02	48,496.90	47,321.10	50.61%
BENEFITS EXPENSE	35,213.00	3,097.87	18,124.36	17,088.64	51.47%
OTHER INDIRECT EXPENSE	32,782.00	3,030.31	15,694.13	17,087.87	47.87%
TOTAL INDIRECT EXPENSES:	163,813.00	15,039.20	82,315.39	81,497.61	50.25%
TOTAL ALL EXPENSES:	566,813.00	19,958.85	118,958.71	447,854.29	20.99%
NET INCOME (LOSS):	425,687.00	18,024.94	879,133.16		

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	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	23,850.00	22,950.00	2,550.00	90.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	9,850.00	9,600.00	3,400.00	73.85%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	300.00	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	-	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	34,000.00	42,500.00	7,400.00	85.17%
DIRECT EXPENSES:					
FACILITIES	40,000.00	19,929.50	36,679.50	3,320.50	91.70%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	500.94	500.94	899.06	35.78%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	457.40	457.40	42.60	91.48%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	636.00	1,719.91	(219.91)	114.66%
MARKETING EXPENSE	600.00	-	191.11	408.89	31.85%
STAFF TRAVEL/PARKING	2,300.00	372.88	932.68	1,367.32	40.55%
TOTAL DIRECT EXPENSES:	46,860.00	21,896.72	40,651.61	6,208.39	86.75%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	46,860.00	21,896.72	40,651.61	6,208.39	86.75%
NET INCOME (LOSS):	3,040.00	12,103.28	1,848.39		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	17,878.75	447,197.50	37,182.50	92.32%
SEMINAR PROFIT SHARE	78,934.45	16,613.72	25,324.76	53,609.69	32.08%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	380.32	4,027.14	(27.14)	100.68%
OTHER	44,525.00	3,225.00	25,285.00	19,240.00	56.79%
TOTAL REVENUE:	613,210.45	38,097.79	501,834.40	111,376.05	81.84%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	20,511.30	142,413.85	442,566.15	24.35%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	11,662.50	294,637.50	23,745.00	92.54%
TOTAL DIRECT EXPENSES:	903,362.50	32,173.80	437,051.35	466,311.15	48.38%
NET INCOME (LOSS):	(290,152.05)	5,923.99	64,783.05		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	1,101,109.98	5,762,342.78	5,688,586.22	50.32%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	11,621.62	76,868.83	18,941.17	80.23%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(12,116.40)	(62,583.84)	(131,416.16)	32.26%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	2,010.00	140.00	1,205.39	804.61	59.97%
FICA (EMPLOYER PORTION)	862,300.00	75,779.39	416,648.09	445,651.91	48.32%
L&I INSURANCE	47,000.00	9,405.59	18,673.88	28,326.12	39.73%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	123,353.44	727,027.44	717,972.56	50.31%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	122,420.50	695,232.02	744,502.98	48.29%
TRANSPORTATION ALLOWANCE	118,500.00	340.00	109,240.40	9,259.60	92.19%
UNEMPLOYMENT INSURANCE	108,000.00	9,436.23	35,461.09	72,538.91	32.83%
STAFF DEVELOPMENT-GENERAL	6,910.00	-	-	6,910.00	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,441,490.35	7,782,516.08	7,484,477.92	50.98%
WORKPLACE BENEFITS	39,000.00	6,334.60	18,022.48	20,977.52	46.21%
HUMAN RESOURCES POOLED EXP	120,076.00	6,515.72	58,294.82	61,781.18	48.55%
MEETING SUPPORT EXPENSES	10,000.00	1,188.24	4,969.12	5,030.88	49.69%
RENT	1,750,000.00	170,527.03	900,749.79	849,250.21	51.47%
PERSONAL PROP TAXES-WSBA	11,000.00	1,075.95	5,331.10	5,668.90	48.46%
FURNITURE, MAINT, LH IMP	35,200.00	5,329.47	7,327.14	27,872.86	20.82%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	7,117.06	25,617.89	20,382.11	55.69%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,700.00	20,548.00	30,452.00	40.29%
COMPUTER HARDWARE DEPRECIATION	57,000.00	4,247.00	23,414.74	33,585.26	41.08%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	19,422.00	34,413.00	119,587.00	22.35%
INSURANCE	140,000.00	11,514.77	69,088.62	70,911.38	49.35%
PROFESSIONAL FEES-AUDIT	35,000.00	-	30,929.80	4,070.20	88.37%
PROFESSIONAL FEES-LEGAL	50,000.00	29,694.79	75,408.50	(25,408.50)	150.82%
TELEPHONE & INTERNET	49,000.00	3,584.77	21,406.37	27,593.63	43.69%
POSTAGE - GENERAL	42,000.00	3,214.68	14,835.28	27,164.72	35.32%
RECORDS STORAGE	40,000.00	2,209.34	19,171.77	20,828.23	47.93%
STAFF TRAINING	92,200.00	5,037.32	28,496.93	63,703.07	30.91%
BANK FEES	35,400.00	2,569.26	20,012.81	15,387.19	56.53%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	(516.85)	3,480.99	21,519.01	13.92%
COMPUTER POOLED EXPENSES	645,660.00	21,223.94	185,848.12	459,811.88	28.78%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	303,989.09	1,567,367.27	1,860,168.73	45.73%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,745,479.44	9,349,883.35		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2018 to March 31, 2018

50.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,555,964.51	7,480,373.96	7,587,751.04
ACCESS TO JUSTICE	(311,034.00)	(26,984.20)	(141,854.77)	(169,179.23)
ADMINISTRATION	(1,029,819.00)	(93,423.88)	(501,686.11)	(528,132.89)
ADMISSIONS/BAR EXAM	146,449.00	150,324.95	355,240.55	(208,791.55)
BOARD OF GOVERNORS	(802,807.00)	(54,815.94)	(365,689.08)	(437,117.92)
COMMUNICATIONS	(592,651.00)	(50,633.97)	(297,563.68)	(295,087.32)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(68,493.45)	(373,059.50)	(367,873.50)
DISCIPLINE	(5,601,229.00)	(526,879.72)	(2,762,722.80)	(2,838,506.20)
DIVERSITY	(345,401.00)	(39,366.00)	(111,711.83)	(233,689.17)
FOUNDATION	(168,653.00)	(13,416.36)	(76,412.61)	(92,240.39)
HUMAN RESOURCES	(271,830.00)	(35,595.92)	(191,178.76)	(80,651.24)
LAP	(124,243.00)	(11,102.44)	(59,182.05)	(65,060.95)
LEGISLATIVE	(151,443.00)	(16,195.37)	(50,082.20)	(101,360.80)
LICENSING AND MEMBERSHIP	(422,090.00)	(50,464.61)	(178,752.98)	(243,337.02)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(27,519.77)	(126,197.60)	(133,803.40)
LIMITED PRACTICE OFFICERS	(162,464.00)	(15,238.40)	(79,687.74)	(82,776.26)
MANDATORY CLE ADMINISTRATION	(17,768.00)	37,377.14	95,807.07	(113,575.07)
MEMBER BENEFITS	(166,568.00)	(15,161.89)	(67,510.32)	(99,057.68)
MENTORSHIP PROGRAM	(117,618.00)	(11,684.18)	(52,923.58)	(64,694.42)
NEW MEMBER PROGRAM	(245,129.00)	(20,080.88)	(32,937.68)	(212,191.32)
NW LAWYER	(121,357.00)	(11,430.60)	(25,445.05)	(95,911.95)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(70,883.67)	(390,171.23)	(434,419.77)
OGC-DISCIPLINARY BOARD	(306,846.00)	(28,167.30)	(141,538.54)	(165,307.46)
OUTREACH & ENGAGEMENT	(387,527.00)	(38,320.38)	(164,337.94)	(223,189.06)
PRACTICE OF LAW BOARD	(118,633.00)	(12,510.25)	(60,247.12)	(58,385.88)
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(18,734.82)	(85,333.54)	(113,808.46)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(24,335.99)	(135,882.92)	(149,040.08)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(14,139.70)	(82,184.21)	(80,196.79)
PUBLIC SERVICE PROGRAMS	(347,092.00)	(22,977.64)	(89,086.45)	(258,005.55)
LAW CLERK PROGRAM	(4,028.00)	(5,349.75)	59,257.63	(63,285.63)
SECTIONS ADMINISTRATION	(167,058.00)	(22,628.02)	71,907.00	(238,965.00)
TECHNOLOGY	(1,491,590.00)	(139,135.73)	(770,354.87)	(721,235.13)
CLE - PRODUCTS	736,738.00	7,131.98	515,891.75	220,846.25
CLE - SEMINARS	(580,239.00)	(81,469.25)	(363,081.71)	(217,157.29)
SECTIONS OPERATIONS	(290,152.05)	5,923.99	64,783.05	(354,935.10)
DESKBOOKS	(171,008.00)	(22,539.57)	(95,362.42)	(75,645.58)
CLIENT PROTECTION FUND	425,687.00	18,024.94	879,133.16	(453,446.16)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	12,103.28	1,848.39	1,191.61
INDIRECT EXPENSES	(18,694,530.00)	(1,745,479.44)	(9,349,883.35)	(9,344,646.65)
TOTAL OF ALL	19,302,739.05	1,548,308.30	7,697,820.08	11,604,918.97
NET INCOME (LOSS)	(608,209.05)	197,171.14	1,652,063.27	

Washington State Bar Association
Analysis of Cash Investments
As of March 31, 2018

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 771,196
Total		

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.60%	\$ 6,046,513
UBS Financial Money Market	1.64%	\$ 795,044
Morgan Stanley Money Market	1.56%	\$ 25,913
Merrill Lynch Money Market	1.30%	\$ 1,894,331
Long Term Investments	Varies	\$ 3,256,598
Short Term Investments	Varies	\$ 3,999,000
General Fund Total		<u>\$ 16,017,398</u>

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.60%	\$ 2,257,179
Morgan Stanley Money Market	1.38%	\$ 103,290
Wells Fargo Investments	Varies	\$ -
Lawyers' Fund for Client Protection Total		<u>\$ 2,360,469</u>

Grand Total Cash & Investments	<u>\$ 18,377,868</u>
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WSBA Financial Reports

(Unaudited)

Year to Date February 28, 2018

Prepared by Mark Hayes, Controller
Submitted by
Ann Holmes, Chief Operations Officer
March 22, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through February 28, 2018

Date: March 22, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	41.67%	41.63%	\$4,295 (Under budget)	41.84%	Expected to be on or slightly under budget
Benefits	41.67%	41.27%	\$15,926 (Under budget)	41.14%	Expected to be on or slightly under budget
Other Indirect Expenses	41.67%	36.86%	\$164,762 (Under budget)	36.09%	Expected to be on budget
Total Indirect Expenses	41.67%	40.68%	\$184,984 (Under budget)	40.62%	Expected to be on or slightly under budget

General Fund Revenues	41.67%	42.53%	\$163,337 (Over budget)	45.18%	Expected to be on or slightly over budget
General Fund Direct Expenses	41.67%	27.51%	\$352,457 (Under budget)	30.93%	Expected to be on or slightly under budget

CLE Revenue	41.67%	43.08%	\$28,644 (Over budget)	49.70%	Expected to be on budget
CLE Direct Expenses	41.67%	22.64%	\$127,897 (Under budget)	30.16%	Expected to be on or slightly under budget
CLE Indirect Expenses	41.67%	41.39%	\$3,828 (Under budget)	36.90%	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 February 28, 2018 (5 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of February 28, 2018 41.67% 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		-	106,072	259,434	8,798	51,600	114,871	311,034	(114,871)	(311,034)
Administration	28,603	55,000	441,766	1,081,774	(4,901)	3,045	436,866	1,084,819	(408,262)	(1,029,819)
Admissions/Bar Exam	594,050	1,327,400	319,300	788,834	69,834	392,117	389,134	1,180,951	204,916	146,449
Board of Governors		-	241,814	522,727	69,059	280,080	310,873	802,807	(310,873)	(802,807)
Communications Strategies	1,210	44,750	222,219	533,961	25,921	103,440	248,140	637,401	(246,930)	(592,651)
Conference & Broadcast Services		0	303,073	736,233	1,493	4,700	304,566	740,933	(304,566)	(740,933)
Discipline	43,339	130,300	2,212,727	5,474,703	66,455	256,826	2,279,182	5,731,529	(2,235,843)	(5,601,229)
Diversity	98,198	100,374	165,746	420,525	4,798	25,250	170,544	445,775	(72,346)	(345,401)
Foundation		-	62,001	151,053	995	17,600	62,996	168,653	(62,996)	(168,653)
Human Resources		-	155,583	271,830			155,583	271,830	(155,583)	(271,830)
Law Clerk Program	111,800	112,000	44,207	111,678	2,986	4,350	47,193	116,028	64,607	(4,028)
Legislative		-	29,921	126,743	3,968	24,700	33,887	151,443	(33,887)	(151,443)
Licensing and Membership Records	155,602	284,700	271,084	660,794	12,806	45,996	283,890	706,790	(128,288)	(422,090)
Licensing Fees	5,924,409	15,068,125					0	-	5,924,409	15,068,125
Limited License Legal Technician			92,996	234,401	5,682	25,600	98,678	260,001	(98,678)	(260,001)
Limited Practice Officers			62,975	159,464	1,474	3,000	64,449	156,182	(64,449)	(162,464)
Mandatory CLE	394,075	761,000	235,979	540,324	99,666	238,444	335,645	778,768	58,430	(17,768)
Member Assistance Program	5,245	10,000	52,549	132,743	776	1,500	53,325	134,243	(48,080)	(124,243)
Member Benefits	9,008		17,483	42,808	43,873	123,760	61,356	166,568	(52,348)	(166,568)
Mentorship Program			38,946	106,393	2,293	11,225	41,239	117,618	(41,239)	(117,618)
New Member Program	98,832	53,200	99,591	262,549	12,097	35,780	111,668	298,329	(12,857)	(245,129)
NW Lawyer	172,507	538,350	68,944	225,207	117,578	434,500	186,521	659,707	(14,014)	(121,357)
Office of General Counsel	131		317,668	811,295	1,753	13,296	319,419	824,591	(319,288)	(824,591)
OGC-Disciplinary Board	-		77,018	203,346	36,353	103,500	113,371	306,846	(113,371)	(306,846)
Outreach and Engagement			124,785	364,777	1,232	22,750	126,018	387,527	(126,018)	(387,527)
Practice Management Assistance	18,652	15,000.00	84,352	206,292	899	5,850	85,251	214,142	(96,599)	(199,142)
Practice of Law Board			41,304	103,433	6,433	15,200	47,737	118,633	(47,737)	(118,633)
Professional Responsibility Program			107,587	278,823	3,960	6,300	111,547	284,923	(111,547)	(284,923)
Public Service Programs	105,200	105,000	93,699	227,477	77,610	224,615	171,309	452,092	(66,109)	(347,092)
Publication and Design Services			63,945	158,281	4,100	4,100	68,045	162,381	(68,045)	(162,381)
Sections Administration	282,975	308,000	181,710	464,958	6,730	10,100	188,440	475,058	94,535	(167,058)
Technology		-	631,219	1,491,590			631,219	1,491,590	(631,219)	(1,491,590)
Subtotal General Fund	8,043,837	18,913,199	6,968,261	17,156,250	684,720	2,489,224	7,652,982	19,645,474	390,855	(732,275)
Expenses using reserve funds							7,652,982		-	-
Total General Fund - Net Result from Operations									390,855	(732,275)
Percentage of Budget	42.53%		40.62%		27.51%		38.96%			
CLE-Seminars and Products	832,330	1,862,235	467,373	1,128,154	137,810	577,582	605,183	1,705,736	227,147	156,499
CLE - Deskbooks	43,079	170,000	101,494	246,313	14,408	94,695	115,902	341,008	(72,823)	(171,008)
Total CLE	875,409	2,032,235	568,867	1,374,467	152,218	672,277	721,084	2,046,744	154,324	(14,509)
Percentage of Budget	43.08%		41.39%		22.64%		35.23%			
Total All Sections	463,737	613,210	-	-	404,878	903,363	404,878	903,363	58,859	(290,152)
Client Protection Fund-Restricted	960,108	992,500	67,276	163,813	31,724	403,000	99,000	566,813	861,108	425,687
Management of Western States Bar Conference (No WSE)	8,500	49,900			18,755	46,860	18,755	46,860	(10,255)	3,040
Totals	10,351,590	22,601,044	7,604,404	18,694,530	1,292,294	4,514,723.50	8,896,608	23,209,254	1,454,892	(608,209)
Percentage of Budget	45.80%		40.68%		28.62%		38.33%			

Fund Balances 2018 Budgeted Fund Balances			
	Sept. 30, 2017	Fund Balances	Year to date
Restricted Funds:			
Client Protection Fund	3,242,299	3,667,986	4,103,407
Western States Bar Conference	19,632	22,672	9,377
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	639,906
Section Funds	1,197,727	907,575	1,256,586
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	931,478	2,054,606
Total General Fund Balance	3,363,751	2,631,476	3,754,606
Net Change in general Fund Balance		(732,275)	390,855
Total Fund Balance	8,308,990	7,700,781	9,763,882
Net Change in Fund Balance		(608,209)	1,454,892

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2018 to February 28, 2018
41.67% 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	1,411,519.94	5,875,888.95	9,077,111.05	39.30%
LLLT LICENSE FEES	6,125.00	416.43	2,122.59	4,002.41	34.65%
LPO LICENSE FEES	109,000.00	9,003.00	46,397.91	62,602.09	42.57%
TOTAL REVENUE:	15,068,125.00	1,420,939.37	5,924,409.45	9,143,715.55	39.32%

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2018 to February 28, 2018
41.67% 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	150.00	292.74	1,707.26	14.64%
ATJ BOARD EXPENSE	24,000.00	334.36	3,956.59	20,043.41	16.49%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	-	1,357.05	1,642.95	45.24%
STAFF TRAVEL/PARKING	2,700.00	-	37.00	2,663.00	1.37%
PUBLIC DEFENSE	8,400.00	349.10	1,737.78	6,662.22	20.69%
RECEPTION/FORUM EXPENSE	9,500.00	-	1,417.19	8,082.81	14.92%
TOTAL DIRECT EXPENSES:	51,600.00	833.46	8,798.35	42,801.65	17.05%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	12,723.18	63,897.56	88,915.44	41.81%
BENEFITS EXPENSE	55,627.00	4,463.79	23,358.23	32,268.77	41.99%
OTHER INDIRECT EXPENSE	50,994.00	3,698.55	18,816.43	32,177.57	36.90%
TOTAL INDIRECT EXPENSES:	259,434.00	20,885.52	106,072.22	153,361.78	40.89%
TOTAL ALL EXPENSES:	311,034.00	21,718.98	114,870.57	196,163.43	36.93%
NET INCOME (LOSS):	(311,034.00)	(21,718.98)	(114,870.57)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2018 to February 28, 2018
41.67% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	13,972.88	32,716.19	(7,716.19)	130.86%
GAIN/LOSS ON INVESTMENTS	30,000.00	(12,944.27)	(4,378.99)	34,378.99	-14.60%
MISCELLANEOUS	-	(3,537.00)	-	-	
RPC BOOKLETS	-	-	266.22	(266.22)	
TOTAL REVENUE:	55,000.00	(2,508.39)	28,603.42	26,396.58	52.01%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	5,383.11	(6,346.68)	6,346.68	
STAFF TRAVEL/PARKING	2,500.00	350.00	1,446.00	1,054.00	57.84%
STAFF MEMBERSHIP DUES	545.00	-	-	545.00	0.00%
TOTAL DIRECT EXPENSES:	3,045.00	5,733.11	(4,900.68)	7,945.68	-160.94%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	57,544.09	277,367.75	386,458.25	41.78%
BENEFITS EXPENSE	226,598.00	17,878.77	93,931.57	132,666.43	41.45%
OTHER INDIRECT EXPENSE	191,350.00	13,851.02	70,467.01	120,882.99	36.83%
TOTAL INDIRECT EXPENSES:	1,081,774.00	89,273.88	441,766.33	640,007.67	40.84%
TOTAL ALL EXPENSES:	1,084,819.00	95,006.99	436,865.65	647,953.35	40.27%
NET INCOME (LOSS):	(1,029,819.00)	(97,515.38)	(408,262.23)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2018 to February 28, 2018
41.67% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS/BAR EXAMS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	160,185.00	561,680.00	638,320.00	46.81%
SPECIAL ADMISSIONS	60,000.00	4,340.00	25,420.00	34,580.00	42.37%
LLLT EXAM FEES	7,500.00	-	2,050.00	5,450.00	27.33%
LLLT WAIVER FEES	900.00	-	-	900.00	0.00%
LPO EXAMINATION FEES	24,000.00	5,000.00	4,900.00	19,100.00	20.42%
TOTAL REVENUE:	1,327,400.00	169,525.00	594,050.00	733,350.00	44.75%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	194.41	1,153.63	2,846.37	28.84%
STAFF TRAVEL/PARKING	10,240.00	880.90	1,919.40	8,320.60	18.74%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	1,000.00	174.01	2,666.18	(1,666.18)	266.62%
FACILITY, PARKING, FOOD	66,000.00	23,251.89	29,246.47	36,753.53	44.31%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	-	450.00	24,550.00	1.80%
BAR EXAM PROCTORS	30,000.00	-	-	30,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,039.49	9,343.43	10,656.57	46.72%
DISABILITY ACCOMMODATIONS	20,000.00	-	675.00	19,325.00	3.38%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	3,192.00	(2,292.00)	354.67%
LAW SCHOOL VISITS	1,000.00	-	423.75	576.25	42.38%
EXAM WRITING	28,355.00	6,825.00	6,825.00	21,530.00	
COURT REPORTERS	18,000.00	3,939.26	3,939.26	14,060.74	21.88%
TOTAL DIRECT EXPENSES:	392,117.00	36,304.96	69,834.12	322,282.88	17.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	39,449.10	193,411.72	270,278.28	41.71%
BENEFITS EXPENSE	174,590.00	13,443.09	70,449.45	104,140.55	40.35%
OTHER INDIRECT EXPENSE	150,554.00	10,897.10	55,439.11	95,114.89	36.82%
TOTAL INDIRECT EXPENSES:	788,834.00	63,789.29	319,300.28	469,533.72	40.48%
TOTAL ALL EXPENSES:	1,180,951.00	100,094.25	389,134.40	791,816.60	32.95%
NET INCOME (LOSS):	146,449.00	69,430.75	204,915.60		

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	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	450.00	1,884.00	2,816.00	40.09%
STAFF MEMBERSHIP DUES	1,880.00	-	550.00	1,330.00	29.26%
TELEPHONE	1,000.00	-	308.89	691.11	30.89%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	5,445.71	45,293.13	69,706.87	39.39%
BOG COMMITTEES' EXPENSES	30,000.00	1,327.44	8,724.50	21,275.50	29.08%
BOG CONFERENCE ATTENDANCE	17,500.00	730.00	2,690.17	14,809.83	15.37%
BOG TRAVEL & OUTREACH	45,000.00	655.65	8,522.95	36,477.05	18.94%
ED TRAVEL & OUTREACH	5,000.00	172.01	1,085.21	3,914.79	21.70%
TOTAL DIRECT EXPENSES:	280,080.00	8,780.81	69,058.85	211,021.15	24.66%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	26,824.60	175,415.96	182,338.04	49.03%
BENEFITS EXPENSE	105,480.00	8,301.16	44,424.66	61,055.34	42.12%
OTHER INDIRECT EXPENSE	59,493.00	4,319.14	21,973.67	37,519.33	36.93%
TOTAL INDIRECT EXPENSES:	522,727.00	39,444.90	241,814.29	280,912.71	46.26%
TOTAL ALL EXPENSES:	802,807.00	48,225.71	310,873.14	491,933.86	38.72%
NET INCOME (LOSS):	(802,807.00)	(48,225.71)	(310,873.14)		

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	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	352.50	1,700.59	939.41	64.42%
STAFF MEMBERSHIP DUES	1,700.00	-	867.50	832.50	51.03%
SUBSCRIPTIONS	10,050.00	6,201.51	6,513.33	3,536.67	64.81%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	376.60	443.00	1,007.00	30.55%
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	963.76	1,251.14	13,748.86	8.34%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	103,440.00	7,894.37	25,921.08	77,518.92	25.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	30,156.40	139,498.86	165,755.14	45.70%
BENEFITS EXPENSE	115,063.00	7,825.48	40,793.11	74,269.89	35.45%
OTHER INDIRECT EXPENSE	113,644.00	8,241.12	41,926.66	71,717.34	36.89%
TOTAL INDIRECT EXPENSES:	533,961.00	46,223.00	222,218.63	311,742.37	41.62%
TOTAL ALL EXPENSES:	637,401.00	54,117.37	248,139.71	389,261.29	38.93%
NET INCOME (LOSS):	(592,651.00)	(54,117.37)	(246,929.71)		

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	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	-	-	1,200.00	0.00%
TRANSLATION SERVICES	3,500.00	474.00	1,493.10	2,006.90	42.66%
TOTAL DIRECT EXPENSES:	4,700.00	474.00	1,493.10	3,206.90	31.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	33,360.78	170,287.22	230,050.78	42.54%
BENEFITS EXPENSE	162,272.00	13,402.72	69,299.68	92,972.32	42.71%
OTHER INDIRECT EXPENSE	173,623.00	12,337.53	63,486.05	110,136.95	36.57%
TOTAL INDIRECT EXPENSES:	736,233.00	59,101.03	303,072.95	433,160.05	41.17%
TOTAL ALL EXPENSES:	740,933.00	59,575.03	304,566.05	436,366.95	41.11%
NET INCOME (LOSS):	(740,933.00)	(59,575.03)	(304,566.05)		

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DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	85.00	3,045.00	(745.00)	132.39%
RECOVERY OF DISCIPLINE COSTS	115,000.00	7,175.10	33,800.67	81,199.33	29.39%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,330.88	6,493.61	6,506.39	49.95%
TOTAL REVENUE:	130,300.00	8,590.98	43,339.28	86,960.72	33.26%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	859.00	4,291.00	12,737.00	25.20%
PUBLICATIONS PRODUCTION	330.00	221.98	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	3,226.54	14,952.78	24,507.22	37.89%
STAFF MEMBERSHIP DUES	3,308.00	450.00	1,875.00	1,433.00	56.68%
TELEPHONE	2,800.00	182.44	911.00	1,889.00	32.54%
COURT REPORTERS	65,000.00	153.24	3,981.98	61,018.02	6.13%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	1,045.76	5,334.52	24,665.48	17.78%
DISABILITY EXPENSES	15,000.00	148.21	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	5,604.40	22,327.37	44,572.63	33.37%
LAW LIBRARY	12,000.00	-	11,040.10	959.90	92.00%
TRANSLATION SERVICES	3,000.00	-	302.33	2,697.67	10.08%
POSTAGE	-	-	9.82	(9.82)	
TOTAL DIRECT EXPENSES:	256,826.00	11,891.57	66,455.48	190,370.52	25.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	280,389.66	1,400,640.51	2,036,108.49	40.75%
BENEFITS EXPENSE	1,142,156.00	91,525.10	481,977.43	660,178.57	42.20%
OTHER INDIRECT EXPENSE	895,798.00	64,886.23	330,108.94	565,689.06	36.85%
TOTAL INDIRECT EXPENSES:	5,474,703.00	436,800.99	2,212,726.88	3,261,976.12	40.42%
TOTAL ALL EXPENSES:	5,731,529.00	448,692.56	2,279,182.36	3,452,346.64	39.77%
NET INCOME (LOSS):	(5,601,229.00)	(440,101.58)	(2,235,843.08)		

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DIVERSITY					
REVENUE:					
DONATIONS & GRANTS	90,000.00	-	97,500.00	(7,500.00)	108.33%
WORK STUDY GRANTS	10,374.00	-	698.25	9,675.75	6.73%
TOTAL REVENUE:	100,374.00	-	98,198.25	2,175.75	97.83%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	272.09	1,330.62	6,669.38	16.63%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	-	840.94	5,359.06	13.56%
DIVERSITY EVENTS & PROJECTS	10,000.00	-	2,626.85	7,373.15	26.27%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
MISCELLANEOUS	-	(3.29)	-	-	
TOTAL DIRECT EXPENSE:	25,250.00	268.80	4,798.41	20,451.59	19.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	19,710.12	100,327.10	155,493.90	39.22%
BENEFITS EXPENSE	86,756.00	7,015.90	36,751.91	50,004.09	42.36%
OTHER INDIRECT EXPENSE	77,948.00	5,634.71	28,666.66	49,281.34	36.78%
TOTAL INDIRECT EXPENSES:	420,525.00	32,360.73	165,745.67	254,779.33	39.41%
TOTAL ALL EXPENSES:	445,775.00	32,629.53	170,544.08	275,230.92	38.26%
NET INCOME (LOSS):	(345,401.00)	(32,629.53)	(72,345.83)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	1,500.00	-	496.81	1,003.19	33.12%
STAFF TRAVEL/PARKING	1,500.00	36.98	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	-	316.15	4,683.85	6.32%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	36.98	994.77	16,605.23	5.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	7,346.16	37,804.26	51,395.74	42.38%
BENEFITS EXPENSE	32,713.00	2,570.73	13,462.97	19,250.03	41.15%
OTHER INDIRECT EXPENSE	29,140.00	2,109.92	10,734.25	18,405.75	36.84%
TOTAL INDIRECT EXPENSES:	151,053.00	12,026.81	62,001.48	89,051.52	41.05%
TOTAL ALL EXPENSES:	168,653.00	12,063.79	62,996.25	105,656.75	37.35%
NET INCOME (LOSS):	(168,653.00)	(12,063.79)	(62,996.25)		

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	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	-	-	150.00	0.00%
STAFF MEMBERSHIP DUES	1,188.00	-	678.00	510.00	57.07%
SUBSCRIPTIONS	1,938.00	-	106.92	1,831.08	5.52%
STAFF TRAINING- GENERAL	29,400.00	1,519.05	14,666.49	14,733.51	49.89%
RECRUITING AND ADVERTISING	7,000.00	1,165.10	2,599.88	4,400.12	37.14%
PAYROLL PROCESSING	55,000.00	5,090.96	20,240.56	34,759.44	36.80%
SALARY SURVEYS	2,900.00	-	-	2,900.00	0.00%
THIRD PARTY SERVICES	22,500.00	-	13,487.25	9,012.75	59.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(7,775.11)	(51,779.10)	(68,296.90)	43.12%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	19,290.32	99,274.96	151,804.04	39.54%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,437.91	34,081.68	46,447.32	42.32%
OTHER INDIRECT EXPENSE	60,222.00	4,368.79	22,226.20	37,995.80	36.91%
TOTAL INDIRECT EXPENSES:	271,830.00	30,097.02	155,582.84	116,247.16	57.24%
TOTAL ALL EXPENSES:	271,830.00	30,097.02	155,582.84	116,247.16	57.24%
NET INCOME (LOSS):	(271,830.00)	(30,097.02)	(155,582.84)		

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LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	31,000.00	110,700.00	(700.00)	100.64%
LAW CLERK APPLICATION FEES	2,000.00	-	1,100.00	900.00	55.00%
TOTAL REVENUE:	112,000.00	31,000.00	111,800.00	200.00	99.82%
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	1,203.80	2,735.52	1,264.48	68.39%
TOTAL DIRECT EXPENSES:	4,350.00	1,203.80	2,985.52	1,364.48	68.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	5,465.21	26,765.16	40,526.84	39.77%
BENEFITS EXPENSE	23,746.00	1,880.77	9,864.83	13,881.17	41.54%
OTHER INDIRECT EXPENSE	20,640.00	1,489.33	7,577.11	13,062.89	36.71%
TOTAL INDIRECT EXPENSES:	111,678.00	8,835.31	44,207.10	67,470.90	39.58%
TOTAL ALL EXPENSES:	116,028.00	10,039.11	47,192.62	68,835.38	40.67%
NET INCOME (LOSS):	(4,028.00)	20,960.89	64,607.38		

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LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	-	574.57	7,425.43	7.18%
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	133.35	2,866.65	4.45%
OLYMPIA RENT	2,500.00	-	489.84	2,010.16	19.59%
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	-	253.87	2,246.13	10.15%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	26.71	3,966.03	20,733.97	16.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	3,961.94	12,523.90	62,856.10	16.61%
BENEFITS EXPENSE	27,080.00	1,379.04	8,430.67	18,649.33	31.13%
OTHER INDIRECT EXPENSE	24,283.00	1,762.41	8,966.23	15,316.77	36.92%
TOTAL INDIRECT EXPENSES:	126,743.00	7,103.39	29,920.80	96,822.20	23.61%
TOTAL ALL EXPENSES:	151,443.00	7,130.10	33,886.83	117,556.17	22.38%
NET INCOME (LOSS):	(151,443.00)	(7,130.10)	(33,886.83)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,485.80	7,769.62	14,230.38	35.32%
RULE 9/LEGAL INTERN FEES	11,000.00	300.00	1,700.00	9,300.00	15.45%
INVESTIGATION FEES	20,000.00	1,900.00	8,100.00	11,900.00	40.50%
PRO HAC VICE	210,000.00	28,736.00	128,761.00	81,239.00	61.31%
MEMBER CONTACT INFORMATION	21,000.00	853.36	9,079.07	11,920.93	43.23%
PHOTO BAR CARD SALES	700.00	12.00	192.00	508.00	27.43%
TOTAL REVENUE:	284,700.00	33,287.16	155,601.69	129,098.31	54.65%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	4,603.00	6,893.00	40.04%
POSTAGE	31,500.00	-	6,202.83	25,297.17	19.69%
LICENSING FORMS	3,000.00	-	2,000.07	999.93	66.67%
TOTAL DIRECT EXPENSES:	45,996.00	1,151.00	12,805.90	33,190.10	27.84%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	36,045.68	171,993.83	238,892.17	41.86%
BENEFITS EXPENSE	136,992.00	10,926.37	57,542.62	79,449.38	42.00%
OTHER INDIRECT EXPENSE	112,916.00	8,166.62	41,547.71	71,368.29	36.80%
TOTAL INDIRECT EXPENSES:	660,794.00	55,138.67	271,084.16	389,709.84	41.02%
TOTAL ALL EXPENSES:	706,790.00	56,289.67	283,890.06	422,899.94	40.17%
NET INCOME (LOSS):	(422,090.00)	(23,002.51)	(128,288.37)		

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LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	-	-	600.00	0.00%
LLLT BOARD	17,000.00	972.61	5,231.80	11,768.20	30.78%
LLLT OUTREACH	8,000.00	450.00	450.00	7,550.00	5.63%
TOTAL DIRECT EXPENSES:	25,600.00	1,422.61	5,681.80	19,918.20	22.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.70 FTE)	142,602.00	12,208.95	56,736.01	85,865.99	39.79%
BENEFITS EXPENSE	49,304.00	3,914.96	20,600.67	28,703.33	41.78%
OTHER INDIRECT EXPENSE	42,495.00	3,077.98	15,659.35	26,835.65	36.85%
TOTAL INDIRECT EXPENSES:	234,401.00	19,201.89	92,996.03	141,404.97	39.67%
TOTAL ALL EXPENSES:	260,001.00	20,624.50	98,677.83	161,323.17	37.95%
NET INCOME (LOSS):	(260,001.00)	(20,624.50)	(98,677.83)		

Washington State Bar Association
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41.67% 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	-	1,474.09	1,525.91	49.14%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>-</u>	<u>1,474.09</u>	<u>1,525.91</u>	<u>49.14%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	7,891.32	38,515.54	59,073.46	39.47%
BENEFITS EXPENSE	33,707.00	2,673.12	14,104.40	19,602.60	41.84%
OTHER INDIRECT EXPENSE	<u>28,168.00</u>	<u>2,035.46</u>	<u>10,355.31</u>	<u>17,812.69</u>	<u>36.76%</u>
TOTAL INDIRECT EXPENSES:	<u>159,464.00</u>	<u>12,599.90</u>	<u>62,975.25</u>	<u>96,488.75</u>	<u>39.49%</u>
TOTAL ALL EXPENSES:	<u>162,464.00</u>	<u>12,599.90</u>	<u>64,449.34</u>	<u>98,014.66</u>	<u>39.67%</u>
NET INCOME (LOSS):	<u>(162,464.00)</u>	<u>(12,599.90)</u>	<u>(64,449.34)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CLE ADMINISTRATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	21,800.00	120,100.00	161,900.00	42.59%
FORM 1 LATE FEES	100,000.00	8,400.00	59,955.00	40,045.00	59.96%
MEMBER LATE FEES	203,000.00	46,450.00	102,850.00	100,150.00	50.67%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	2,585.00	24,089.00	35,911.00	40.15%
ATTENDANCE LATE FEES	60,000.00	3,605.00	32,130.00	27,870.00	53.55%
COMITY CERTIFICATES	29,000.00	1,275.00	25,450.66	3,549.34	87.76%
TOTAL REVENUE:	761,000.00	84,115.00	394,074.66	366,925.34	51.78%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,079.00	99,314.00	136,630.00	42.09%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	-	352.04	1,647.96	17.60%
TOTAL DIRECT EXPENSES:	238,444.00	20,079.00	99,666.04	138,777.96	41.80%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	31,014.14	146,820.10	164,994.90	47.09%
BENEFITS EXPENSE	113,165.00	9,290.39	46,600.52	66,564.48	41.18%
OTHER INDIRECT EXPENSE	115,344.00	8,365.21	42,558.07	72,785.93	36.90%
TOTAL INDIRECT EXPENSES:	540,324.00	48,669.74	235,978.69	304,345.31	43.67%
TOTAL ALL EXPENSES:	778,768.00	68,748.74	335,644.73	443,123.27	43.10%
NET INCOME (LOSS):	(17,768.00)	15,366.26	58,429.93		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	750.00	5,005.00	4,995.00	50.05%
LAP GROUPS REVENUE	-	240.00	240.00	(240.00)	
TOTAL REVENUE:	10,000.00	990.00	5,245.00	4,755.00	52.45%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	825.00	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,500.00	825.00	775.50	724.50	51.70%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	6,597.46	33,368.93	46,452.07	41.80%
BENEFITS EXPENSE	31,796.00	2,153.97	11,350.55	20,445.45	35.70%
OTHER INDIRECT EXPENSE	21,126.00	1,538.97	7,829.63	13,296.37	37.06%
TOTAL INDIRECT EXPENSES:	132,743.00	10,290.40	52,549.11	80,193.89	39.59%
TOTAL ALL EXPENSES:	134,243.00	11,115.40	53,324.61	80,918.39	39.72%
NET INCOME (LOSS):	(124,243.00)	(10,125.40)	(48,079.61)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER BENEFITS					
REVENUE:					
MP3 SALES	-	-	784.00	(784.00)	
DIGITAL VIDEO SALES	-	196.00	3,724.00	(3,724.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	196.00	9,008.00	(9,008.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	1,142.04	557.96	67.18%
WSBA CONNECTS	46,560.00	-	11,640.00	34,920.00	25.00%
CASEMAKER	75,000.00	12,657.58	31,090.99	43,909.01	41.45%
TOTAL DIRECT EXPENSES:	123,760.00	12,657.58	43,873.03	79,886.97	35.45%
INDIRECT EXPENSES:	23,718.00	1,977.12	9,930.75	13,787.25	41.87%
SALARY EXPENSE (0.40 FTE)	9,377.00	778.32	4,016.69	5,360.31	42.84%
BENEFITS EXPENSE	9,713.00	695.03	3,535.96	6,177.04	36.40%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,808.00	3,450.47	17,483.40	25,324.60	40.84%
TOTAL ALL EXPENSES:	166,568.00	16,108.05	61,356.43	105,211.57	36.84%
NET INCOME (LOSS):	(166,568.00)	(15,912.05)	(52,348.43)		

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	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	-	-	2,000.00	0.00%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	-	3.61	96.39	3.61%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	8.60	2,491.40	0.34%
RECEPTION/FORUM EXPENSE	6,500.00	1,547.09	2,280.87	4,219.13	35.09%
TOTAL DIRECT EXPENSES:	11,225.00	1,547.09	2,293.08	8,931.92	20.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	3,305.14	21,193.31	40,552.69	34.32%
BENEFITS EXPENSE	22,792.00	1,854.89	9,670.77	13,121.23	42.43%
OTHER INDIRECT EXPENSE	21,855.00	1,588.65	8,082.24	13,772.76	36.98%
TOTAL INDIRECT EXPENSES:	106,393.00	6,748.68	38,946.32	67,446.68	36.61%
TOTAL ALL EXPENSES:	117,618.00	8,295.77	41,239.40	76,378.60	35.06%
NET INCOME (LOSS):	(117,618.00)	(8,295.77)	(41,239.40)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	2,659.00	57,340.05	(42,340.05)	382.27%
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	2,659.00	98,831.51	(45,631.51)	185.77%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	-	733.17	766.83	48.88%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	45.88	113.88	1,886.12	5.69%
STAFF MEMBERSHIP DUES	30.00	70.00	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	-	578.30	921.70	38.55%
NEW LAWYER OUTREACH EVENTS	3,000.00	(1,295.22)	1,138.72	1,861.28	37.96%
NEW LAWYERS COMMITTEE	15,000.00	169.39	1,461.88	13,538.12	9.75%
OPEN SECTIONS NIGHT	3,000.00	2,672.27	5,253.80	(2,253.80)	175.13%
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	1,662.32	12,096.92	23,683.08	33.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	14,611.72	55,778.98	96,940.02	36.52%
BENEFITS EXPENSE	56,408.00	4,609.24	24,111.91	32,296.09	42.75%
OTHER INDIRECT EXPENSE	53,422.00	3,872.32	19,700.50	33,721.50	36.88%
TOTAL INDIRECT EXPENSES:	262,549.00	23,093.28	99,591.39	162,957.61	37.93%
TOTAL ALL EXPENSES:	298,329.00	24,755.60	111,688.31	186,640.69	37.44%
NET INCOME (LOSS):	(245,129.00)	(22,096.60)	(12,856.80)		

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NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	-	112,221.25	287,778.75	28.06%
SUBSCRIPT/SINGLE ISSUES	350.00	36.00	144.00	206.00	41.14%
CLASSIFIED ADVERTISING	100,000.00	14,370.91	50,025.40	49,974.60	50.03%
GEN ANNOUNCEMENTS	15,000.00	-	3,150.00	11,850.00	21.00%
PROF ANNOUNCEMENTS	23,000.00	-	5,817.50	17,182.50	25.29%
TOTAL REVENUE:	538,350.00	14,406.91	172,506.95	365,843.05	32.04%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	-	643.00	5,357.00	10.72%
POSTAGE	89,000.00	-	38,428.64	50,571.36	43.18%
PRINTING, COPYING & MAILING	250,000.00	28,066.91	75,618.12	174,381.88	30.25%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	2,100.00	8,100.00	20.59%
GRAPHICS/ARTWORK	3,500.00	-	731.52	2,768.48	20.90%
OUTSIDE SALES EXPENSE	75,000.00	-	-	75,000.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	-	56.44	743.56	7.06%
TOTAL DIRECT EXPENSES:	434,500.00	28,066.91	117,577.72	316,922.28	27.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	6,921.84	34,937.68	94,265.32	27.04%
BENEFITS EXPENSE	52,295.00	3,645.77	17,841.49	34,453.51	34.12%
OTHER INDIRECT EXPENSE	43,709.00	3,177.30	16,164.51	27,544.49	36.98%
TOTAL INDIRECT EXPENSES:	225,207.00	13,744.91	68,943.68	156,263.32	30.61%
TOTAL ALL EXPENSES:	659,707.00	41,811.82	186,521.40	473,185.60	28.27%
NET INCOME (LOSS):	(121,357.00)	(27,404.91)	(14,014.45)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	71.40	130.99	(130.99)	
TOTAL REVENUE:	-	71.40	130.99	(130.99)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	350.00	1,472.37	1,767.63	45.44%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
COURT RULES COMMITTEE	4,000.00	-	150.79	3,849.21	3.77%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	129.75	2,370.25	5.19%
TOTAL DIRECT EXPENSES:	13,296.00	350.00	1,752.91	11,543.09	13.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	33,162.70	200,313.56	307,538.44	39.44%
BENEFITS EXPENSE	172,072.00	13,071.00	68,984.97	103,087.03	40.09%
OTHER INDIRECT EXPENSE	131,371.00	9,507.02	48,367.11	83,003.89	36.82%
TOTAL INDIRECT EXPENSES:	811,295.00	55,740.72	317,665.64	493,629.36	39.16%
TOTAL ALL EXPENSES:	824,591.00	56,090.72	319,418.55	505,172.45	38.74%
NET INCOME (LOSS):	(824,591.00)	(56,019.32)	(319,287.56)		

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OGC-DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	142.26	4,239.61	5,760.39	42.40%
CHIEF HEARING OFFICER	33,000.00	2,500.00	12,833.60	20,166.40	38.89%
HEARING OFFICER EXPENSES	3,000.00	-	201.91	2,798.09	6.73%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,750.00	18,750.00	36,250.00	34.09%
TOTAL DIRECT EXPENSES:	103,500.00	6,392.26	36,353.32	67,146.68	35.12%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	9,006.44	45,513.40	73,912.60	38.11%
BENEFITS EXPENSE	45,067.00	3,277.43	17,234.26	27,832.74	38.24%
OTHER INDIRECT EXPENSE	38,853.00	2,805.00	14,270.26	24,582.74	36.73%
TOTAL INDIRECT EXPENSES:	203,346.00	15,088.87	77,017.92	126,328.08	37.88%
TOTAL ALL EXPENSES:	306,846.00	21,481.13	113,371.24	193,474.76	36.95%
NET INCOME (LOSS):	(306,846.00)	(21,481.13)	(113,371.24)		

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	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	-	-	4,500.00	0.00%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	58.05	81.78	4,418.22	1.82%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	5,000.00	-	307.41	4,692.59	6.15%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	58.05	1,232.28	21,517.72	5.42%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	13,910.34	70,406.25	147,890.75	32.25%
BENEFITS EXPENSE	77,759.00	5,271.14	29,122.06	48,636.94	37.45%
OTHER INDIRECT EXPENSE	68,721.00	4,964.50	25,256.97	43,464.03	36.75%
TOTAL INDIRECT EXPENSES:	364,777.00	24,145.98	124,785.28	239,991.72	34.21%
TOTAL ALL EXPENSES:	387,527.00	24,204.03	126,017.56	261,509.44	32.52%
NET INCOME (LOSS):	(387,527.00)	(24,204.03)	(126,017.56)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	6,929.35	18,607.33	(3,607.33)	124.05%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	6,929.35	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	-	26.72	73.28	26.72%
LIBRARY MATERIALS/RESOURCES	1,000.00	39.90	59.44	940.56	5.94%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	613.89	613.89	1,636.11	27.28%
TOTAL DIRECT EXPENSES:	5,850.00	653.79	898.70	4,951.30	15.36%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	10,665.70	52,450.53	75,609.47	40.96%
BENEFITS EXPENSE	43,808.00	3,515.46	18,515.55	25,292.45	42.27%
OTHER INDIRECT EXPENSE	36,424.00	2,631.21	13,386.27	23,037.73	36.75%
TOTAL INDIRECT EXPENSES:	208,292.00	16,812.37	84,352.35	123,939.65	40.50%
TOTAL ALL EXPENSES:	214,142.00	17,466.16	85,251.05	128,890.95	39.81%
NET INCOME (LOSS):	(199,142.00)	(10,536.81)	(66,598.72)		

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	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	1,411.82	6,432.96	8,567.04	42.89%
TOTAL DIRECT EXPENSES:	15,200.00	1,411.82	6,432.96	8,767.04	42.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	5,211.38	26,950.12	39,214.88	40.73%
BENEFITS EXPENSE	21,484.00	1,615.61	8,544.74	12,939.26	39.77%
OTHER INDIRECT EXPENSE	15,784.00	1,141.80	5,809.05	9,974.95	36.80%
TOTAL INDIRECT EXPENSES:	103,433.00	7,968.79	41,303.91	62,129.09	39.93%
TOTAL ALL EXPENSES:	118,633.00	9,380.61	47,736.87	70,896.13	40.24%
NET INCOME (LOSS):	(118,633.00)	(9,380.61)	(47,736.87)		

Washington State Bar Association
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41.67% 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	-	1,192.42	607.58	66.25%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,000.00	423.07	2,767.92	1,232.08	69.20%
TOTAL DIRECT EXPENSES:	6,300.00	423.07	3,960.34	2,339.66	62.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	13,459.12	67,201.42	102,556.58	39.59%
BENEFITS EXPENSE	62,970.00	4,431.99	23,462.95	39,507.05	37.26%
OTHER INDIRECT EXPENSE	45,895.00	3,326.23	16,922.22	28,972.78	36.87%
TOTAL INDIRECT EXPENSES:	278,623.00	21,217.34	107,586.59	171,036.41	38.61%
TOTAL ALL EXPENSES:	284,923.00	21,640.41	111,546.93	173,376.07	39.15%
NET INCOME (LOSS):	(284,923.00)	(21,640.41)	(111,546.93)		

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	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	-	2,700.00	7,300.00	27.00%
TOTAL REVENUE:	105,000.00	-	105,200.00	(200.00)	100.19%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	21,523.08	76,981.08	130,933.92	37.03%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	43.97	126.11	1,873.89	6.31%
CONFERENCE CALLS	200.00	-	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	-	496.26	1,503.74	24.81%
DAY OF SERVICE	11,500.00	-	-	11,500.00	0.00%
VOLUNTEER RECRUITMENT & OUTREACH	-	-	-	-	
TOTAL DIRECT EXPENSES:	224,615.00	21,567.05	77,610.11	147,004.89	34.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	10,966.96	57,328.13	79,107.87	42.02%
BENEFITS EXPENSE	48,060.00	3,919.95	20,584.95	27,475.05	42.83%
OTHER INDIRECT EXPENSE	42,981.00	3,102.85	15,785.62	27,195.38	36.73%
TOTAL INDIRECT EXPENSES:	227,477.00	17,989.76	93,698.70	133,778.30	41.19%
TOTAL ALL EXPENSES:	452,092.00	39,556.81	171,308.81	280,783.19	37.89%
NET INCOME (LOSS):	(347,092.00)	(39,556.81)	(66,108.81)		

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	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	37,471.40	52,715.60	41.55%
BENEFITS EXPENSE	34,341.00	2,728.10	13,970.81	20,370.19	40.68%
OTHER INDIRECT EXPENSE	33,753.00	2,457.47	12,502.30	21,250.70	37.04%
TOTAL INDIRECT EXPENSES:	158,281.00	12,711.55	63,944.51	94,336.49	40.40%
TOTAL ALL EXPENSES:	162,381.00	12,711.55	68,044.51	94,336.49	41.90%
NET INCOME (LOSS):	(162,381.00)	(12,711.55)	(68,044.51)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	18,225.00	282,975.00	25,025.00	91.88%
TOTAL REVENUE:	308,000.00	18,225.00	282,975.00	25,025.00	91.88%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	140.86	359.21	840.79	29.93%
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	174.95	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	315.81	6,730.42	3,369.58	66.64%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	17,367.40	104,896.45	161,950.55	39.31%
BENEFITS EXPENSE	100,979.00	8,204.38	41,074.43	59,904.57	40.68%
OTHER INDIRECT EXPENSE	97,132.00	7,024.79	35,738.68	61,393.32	36.79%
TOTAL INDIRECT EXPENSES:	464,958.00	32,596.57	181,709.56	283,248.44	39.08%
TOTAL ALL EXPENSES:	475,058.00	32,912.38	188,439.98	286,618.02	39.67%
NET INCOME (LOSS):	(167,058.00)	(14,687.38)	94,535.02		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	3,405.10	23,246.10	86,753.90	21.13%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,509.17	7,498.47	16,501.53	31.24%
COMPUTER HARDWARE	29,000.00	-	11,632.65	17,367.35	40.11%
COMPUTER SOFTWARE	29,000.00	8,881.47	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	109.95	49,697.19	220,302.81	18.41%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	1,809.83	7,629.75	18,370.25	29.35%
COMPUTER SUPPLIES	34,000.00	928.95	5,377.75	28,622.25	15.82%
THIRD PARTY SERVICES	74,050.00	1,392.25	31,047.25	43,002.75	41.93%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(18,036.72)	(164,624.18)	(481,035.82)	25.50%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	80,954.64	424,207.79	611,865.21	40.94%
BENEFITS EXPENSE	355,694.00	27,503.28	148,724.39	206,969.61	41.81%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(5,794.80)	(50,467.44)	(143,532.56)	26.01%
OTHER INDIRECT EXPENSE	293,823.00	21,801.15	108,754.40	185,068.60	37.01%
TOTAL INDIRECT EXPENSES:	1,491,590.00	124,464.27	631,219.14	860,370.86	42.32%
TOTAL ALL EXPENSES:	1,491,590.00	124,464.27	631,219.14	860,370.86	42.32%
NET INCOME (LOSS):	(1,491,590.00)	(124,464.27)	(631,219.14)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	(275.00)	226,427.23	638,307.77	26.18%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	-	2,000.00	27,500.00	6.78%
SHIPPING & HANDLING	1,000.00	171.00	774.00	226.00	77.40%
COURSEBOOK SALES	17,000.00	600.00	5,223.24	11,776.76	30.72%
MP3 AND VIDEO SALES	950,000.00	23,001.51	597,905.45	352,094.55	62.94%
TOTAL REVENUE:	1,862,235.00	23,497.51	832,329.92	1,029,905.08	44.70%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	-	601.02	3,398.98	15.03%
POSTAGE - FLIERS/CATALOGS	30,000.00	168.16	1,119.84	28,880.16	3.73%
POSTAGE - MISC./DELIVERY	2,500.00	-	105.00	2,395.00	4.20%
DEPRECIATION	10,615.00	256.00	1,280.00	9,335.00	12.06%
ONLINE EXPENSES	82,000.00	38,873.02	56,892.88	25,107.12	69.38%
ACCREDITATION FEES	3,550.00	-	3,022.00	528.00	85.13%
SEMINAR BROCHURES	55,000.00	142.48	5,609.62	49,390.38	10.20%
FACILITIES	250,000.00	5,755.48	57,490.88	192,509.12	23.00%
SPEAKERS & PROGRAM DEVELOP	58,000.00	669.18	10,310.20	47,689.80	17.78%
SPLITS TO SECTIONS	51,777.00	-	(591.41)	52,368.41	-1.14%
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	112.04	335.06	2,664.94	11.17%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	-	320.91	1,679.09	16.05%
COST OF SALES - DESKBOOKS	-	90.56	-	-	-
COST OF SALES - COURSEBOOKS	1,190.00	37.35	513.32	676.68	43.14%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	-	(90.56)	-	-	-
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	74.77	206.70	1,793.30	10.34%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	46,088.48	137,809.87	439,772.13	23.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (12.77 FTE)	641,812.00	53,476.08	274,212.57	367,599.43	42.72%
BENEFITS EXPENSE	244,970.00	20,009.02	104,255.63	140,714.37	42.56%
OTHER INDIRECT EXPENSE	241,372.00	17,475.11	88,904.54	152,467.46	36.83%
TOTAL INDIRECT EXPENSES:	1,128,154.00	90,960.21	467,372.74	660,781.26	41.43%
TOTAL ALL EXPENSES:	1,705,736.00	137,048.69	605,182.61	1,100,553.39	35.48%
NET INCOME (LOSS):	156,499.00	(113,551.18)	227,147.31		

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	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	2,847.01	14,744.11	85,255.89	14.74%
SECTION PUBLICATION SALES	6,000.00	-	1,950.00	4,050.00	32.50%
CASEMAKER ROYALTIES	60,000.00	11,450.56	26,163.83	33,836.17	43.61%
TOTAL REVENUE:	170,000.00	14,297.57	43,078.94	126,921.06	25.34%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	1,761.14	10,199.71	59,800.29	14.57%
COST OF SALES - SECTION PUBLICATION	1,000.00	-	349.06	650.94	34.91%
SPLITS TO SECTIONS	2,000.00	500.25	1,763.38	236.62	88.17%
DESKBOOK ROYALTIES	1,000.00	-	164.08	835.92	16.41%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	264.47	(1,192.58)	4,192.58	-39.75%
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	620.00	3,100.00	4,340.00	41.67%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
STAFF TRAVEL/PARKING	-	-	24.26	(24.26)	
TOTAL DIRECT EXPENSES:	94,695.00	3,145.86	14,407.91	80,287.09	15.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	11,728.02	59,452.42	81,260.58	42.25%
BENEFITS EXPENSE	53,392.00	4,380.48	22,846.12	30,545.88	42.79%
OTHER INDIRECT EXPENSE	52,208.00	3,773.04	19,195.34	33,012.66	36.77%
TOTAL INDIRECT EXPENSES:	246,313.00	19,881.54	101,493.88	144,819.12	41.21%
TOTAL ALL EXPENSES:	341,008.00	23,027.40	115,901.79	225,106.21	33.99%
NET INCOME (LOSS):	(171,008.00)	(8,729.83)	(72,822.85)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	377.87	25,892.04	(22,892.04)	863.07%
CPF MEMBER ASSESSMENTS	982,000.00	70,647.80	921,867.80	60,132.20	93.88%
INTEREST INCOME	7,500.00	2,637.38	12,348.24	(4,848.24)	164.64%
TOTAL REVENUE:	992,500.00	73,663.05	960,108.08	32,391.92	96.74%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(55.14)	(288.30)	1,288.30	-28.83%
GIFTS TO INJURED CLIENTS	400,000.00	9,665.50	31,290.50	368,709.50	7.82%
CPF BOARD EXPENSES	2,000.00	332.82	721.47	1,278.53	36.07%
TOTAL DIRECT EXPENSES:	403,000.00	9,943.18	31,723.67	371,276.33	7.87%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	7,881.06	39,585.88	56,232.12	41.31%
BENEFITS EXPENSE	35,213.00	2,899.20	15,026.49	20,186.51	42.67%
OTHER INDIRECT EXPENSE	32,782.00	2,630.50	12,663.82	20,118.18	38.63%
TOTAL INDIRECT EXPENSES:	163,813.00	13,410.76	67,276.19	96,536.81	41.07%
TOTAL ALL EXPENSES:	566,813.00	23,353.94	98,999.86	467,813.14	17.47%
NET INCOME (LOSS):	425,687.00	50,309.11	861,108.22		

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	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	(900.00)	(900.00)	26,400.00	-3.53%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	(250.00)	(250.00)	13,250.00	-1.92%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	-	1,950.00	450.00	81.25%
SPONSORSHIPS	9,000.00	200.00	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	(950.00)	8,500.00	41,400.00	17.03%
DIRECT EXPENSES:					
FACILITIES	40,000.00	-	16,750.00	23,250.00	41.88%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	-	1,400.00	0.00%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,083.91	416.09	72.26%
MARKETING EXPENSE	600.00	66.05	191.11	408.89	31.85%
STAFF TRAVEL/PARKING	2,300.00	306.40	559.80	1,740.20	24.34%
TOTAL DIRECT EXPENSES:	46,860.00	372.45	18,754.89	28,105.11	40.02%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	46,860.00	372.45	18,754.89	28,105.11	40.02%
NET INCOME (LOSS):	3,040.00	(1,322.45)	(10,254.89)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	28,095.00	429,318.75	55,061.25	88.63%
SEMINAR PROFIT SHARE	78,934.45	6,483.10	8,711.04	70,223.41	11.04%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	2,383.69	3,646.82	353.18	91.17%
OTHER	44,525.00	4,549.00	22,060.00	22,465.00	49.55%
TOTAL REVENUE:	613,210.45	41,510.79	463,736.61	149,473.84	75.62%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	28,754.48	121,902.55	463,077.45	20.84%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	18,225.00	282,975.00	35,407.50	88.88%
TOTAL DIRECT EXPENSES:	903,362.50	46,979.48	404,877.55	498,484.95	44.82%
NET INCOME (LOSS):	(290,152.05)	(5,468.69)	58,859.06		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	914,236.80	4,661,232.80	6,789,696.20	40.71%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	17,873.95	65,247.21	30,562.79	68.10%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(5,794.80)	(50,467.44)	(143,532.56)	26.01%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	2,010.00	795.00	1,065.39	944.61	53.00%
FICA (EMPLOYER PORTION)	862,300.00	68,225.27	340,868.70	521,431.30	39.53%
L&I INSURANCE	47,000.00	-	9,268.29	37,731.71	19.72%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	124,049.51	603,674.00	841,326.00	41.78%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	113,850.10	572,811.52	866,923.48	39.79%
TRANSPORTATION ALLOWANCE	118,500.00	23.01	108,900.40	9,599.60	91.90%
UNEMPLOYMENT INSURANCE	108,000.00	8,655.64	26,024.86	81,975.14	24.10%
STAFF DEVELOPMENT-GENERAL	6,910.00	-	-	6,910.00	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,243,114.48	6,341,025.73	8,925,968.27	41.53%
WORKPLACE BENEFITS	39,000.00	1,189.89	11,687.88	27,312.12	29.97%
HUMAN RESOURCES POOLED EXP	120,076.00	7,775.11	51,779.10	68,296.90	43.12%
MEETING SUPPORT EXPENSES	10,000.00	725.63	3,780.88	6,219.12	37.81%
RENT	1,750,000.00	149,385.78	730,222.76	1,019,777.24	41.73%
PERSONAL PROP TAXES-WSBA	11,000.00	2,151.90	4,255.15	6,744.85	38.68%
FURNITURE, MAINT, LH IMP	35,200.00	782.32	1,997.67	33,202.33	5.68%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	3,050.70	18,500.83	27,499.17	40.22%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,700.00	16,848.00	34,152.00	33.04%
COMPUTER HARDWARE DEPRECIATION	57,000.00	4,246.00	19,167.74	37,832.26	33.63%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	1,824.00	14,991.00	139,009.00	9.73%
INSURANCE	140,000.00	11,514.77	57,573.85	82,426.15	41.12%
PROFESSIONAL FEES-AUDIT	35,000.00	2,775.00	30,929.80	4,070.20	88.37%
PROFESSIONAL FEES-LEGAL	50,000.00	16,906.21	45,713.71	4,286.29	91.43%
TELEPHONE & INTERNET	49,000.00	3,899.20	17,821.60	31,178.40	36.37%
POSTAGE - GENERAL	42,000.00	2,352.03	11,620.60	30,379.40	27.67%
RECORDS STORAGE	40,000.00	5,410.13	16,962.43	23,037.57	42.41%
STAFF TRAINING	92,200.00	8,710.99	23,459.61	68,740.39	25.44%
BANK FEES	35,400.00	3,067.90	17,443.55	17,956.45	49.28%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	1,249.78	3,997.84	21,002.16	15.99%
COMPUTER POOLED EXPENSES	645,660.00	18,036.72	164,624.18	481,035.82	25.50%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	248,754.06	1,263,378.18	2,164,157.82	36.86%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,491,868.54	7,604,403.91		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2018 to February 28, 2018
41.67% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,420,939.37	5,924,409.45	9,143,715.55
ACCESS TO JUSTICE	(311,034.00)	(21,718.98)	(114,870.57)	(196,163.43)
ADMINISTRATION	(1,029,819.00)	(97,515.38)	(408,262.23)	(621,556.77)
ADMISSIONS/BAR EXAM	146,449.00	69,430.75	204,915.60	(58,466.60)
BOARD OF GOVERNORS	(802,807.00)	(48,225.71)	(310,873.14)	(491,933.86)
COMMUNICATIONS	(592,651.00)	(54,117.37)	(246,929.71)	(345,721.29)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(59,575.03)	(304,566.05)	(436,366.95)
DISCIPLINE	(5,601,229.00)	(440,101.58)	(2,235,843.08)	(3,365,385.92)
DIVERSITY	(345,401.00)	(32,629.53)	(72,345.83)	(273,055.17)
FOUNDATION	(168,653.00)	(12,063.79)	(62,996.25)	(105,656.75)
HUMAN RESOURCES	(271,830.00)	(30,097.02)	(155,582.84)	(116,247.16)
LAP	(124,243.00)	(10,125.40)	(48,079.61)	(76,163.39)
LEGISLATIVE	(151,443.00)	(7,130.10)	(33,886.83)	(117,556.17)
LICENSING AND MEMBERSHIP	(422,090.00)	(23,002.51)	(128,288.37)	(293,801.63)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(20,624.50)	(98,677.83)	(161,323.17)
LIMITED PRACTICE OFFICERS	(162,464.00)	(12,599.90)	(64,449.34)	(98,014.66)
MANDATORY CLE ADMINISTRATION	(17,768.00)	15,366.26	58,429.93	(76,197.93)
MEMBER BENEFITS	(166,568.00)	(15,912.05)	(52,348.43)	(114,219.57)
MENTORSHIP PROGRAM	(117,618.00)	(8,295.77)	(41,239.40)	(76,378.60)
NEW MEMBER PROGRAM	(245,129.00)	(22,096.60)	(12,856.80)	(232,272.20)
NW LAWYER	(121,357.00)	(27,404.91)	(14,014.45)	(107,342.55)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(56,019.32)	(319,287.56)	(505,303.44)
OGC-DISCIPLINARY BOARD	(306,846.00)	(21,481.13)	(113,371.24)	(193,474.76)
OUTREACH & ENGAGEMENT	(387,527.00)	(24,204.03)	(126,017.56)	(261,509.44)
PRACTICE OF LAW BOARD	(118,633.00)	(9,380.61)	(47,736.87)	(70,896.13)
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(10,536.81)	(66,598.72)	(132,543.28)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(21,640.41)	(111,546.93)	(173,376.07)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(12,711.55)	(68,044.51)	(94,336.49)
PUBLIC SERVICE PROGRAMS	(347,092.00)	(39,556.81)	(66,108.81)	(280,983.19)
LAW CLERK PROGRAM	(4,028.00)	20,960.89	64,607.38	(68,635.38)
SECTIONS ADMINISTRATION	(167,058.00)	(14,687.38)	94,535.02	(261,593.02)
TECHNOLOGY	(1,491,590.00)	(124,464.27)	(631,219.14)	(860,370.86)
CLE - PRODUCTS	736,738.00	5,739.99	508,759.77	227,978.23
CLE - SEMINARS	(580,239.00)	(119,291.17)	(281,612.46)	(298,626.54)
SECTIONS OPERATIONS	(290,152.05)	(5,468.69)	58,859.06	(349,011.11)
DESKBOOKS	(171,008.00)	(8,729.83)	(72,822.85)	(98,185.15)
CLIENT PROTECTION FUND	425,687.00	50,309.11	861,108.22	(435,421.22)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	(1,322.45)	(10,254.89)	13,294.89
INDIRECT EXPENSES	(18,694,530.00)	(1,491,868.54)	(7,604,403.91)	(11,090,126.09)
TOTAL OF ALL	19,302,739.05	1,321,852.76	6,149,511.78	13,153,227.27
NET INCOME (LOSS)	(608,209.05)	170,015.78	1,454,892.13	

Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2018

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 750,900

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.48%	\$ 6,539,468
UBS Financial Money Market	1.49%	\$ 793,943
Morgan Stanley Money Market	1.23%	\$ 25,855
Merrill Lynch Money Market	1.40%	\$ 1,892,347
Long Term Investments	Varies	\$ 3,244,738
Short Term Investments	Varies	\$ 3,999,000

General Fund Total	\$ 16,495,351
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Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.44%	\$ 2,254,549
Morgan Stanley Money Market	1.05%	\$ 103,194
Wells Fargo Investments	Varies	\$ -

Lawyers' Fund for Client Protection Total	\$ 2,357,743
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Grand Total Cash & Investments	\$ 18,853,094
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**Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2018**

Long Term Investments- General Fund

UBS Financial Long Term Investments
Nuveen 3-7 year Municipal Bond Portfolio

Value as of 2/28/2018
\$ 302,995.08

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 2/28/2018
\$ 779,708.35
\$ 1,086,614.69
\$ 1,075,419.67
\$ 2,941,742.71

Total Long Term Investments- General Fund 3,244,737.79

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>
Goldman Sachs	1.40%	1.40%	180 Days	5/29/2018	250,000.00
BNY Mellon	1.65%	1.65%	270 Days	10/30/2018	250,000.00
BMO Harris Bank	1.45%	1.45%	90 Days	4/30/2018	250,000.00
Bank of Baroda	1.60%	1.60%	180 Days	7/31/2018	250,000.00
Mizrahi Tefahot Bank	1.50%	1.50%	90 Days	5/2/2018	250,000.00
Bank of India NY	1.60%	1.60%	180 Days	8/8/2018	250,000.00
State Bank of India NY	1.60%	1.60%	180 Days	8/7/2018	250,000.00
Bank of China NY	1.50%	1.50%	90 Days	5/15/2018	250,000.00
Live Oak Banking Company	1.65%	1.65%	180 Days	8/9/2018	250,000.00
Washington Federal Interest	1.65%	1.65%	240 days	10/12/2018	250,000.00
Mountain Commerce Bank	1.50%	1.50%	120 Days	6/20/2018	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
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

Total Short Term Investments- General Fund 3,999,000.00

Client Protection Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total CPF					<u><u>-</u></u>



WSBA Financial Reports

(Unaudited)

Year to Date January 31, 2018

Prepared by Mark Hayes, Controller

Submitted by

Ann Holmes, Chief Operations Officer

February 27, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Mark Hayes, Controller

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through January 31, 2018

Date: January 18, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	33.33%	33.72%	\$43,804 (Over budget)	33.80%	Expected to be on budget
Benefits	33.33%	33.62%	\$11,642 (Over budget)	33.49%	Expected to be on budget
Other Indirect Expenses	33.33%	29.60%	\$127,774 (Under budget)	28.82%	Expected to be on budget
Total Indirect Expenses	33.33%	32.94%	\$72,328 (Under budget)	32.80%	Expected to be on budget

General Fund Revenues	33.33%	33.07%	\$49,849 (Under budget)	34.50%	Expected to be on budget
General Fund Direct Expenses	33.33%	20.60%	\$316,970 (Under budget)	20.02%	Expected to be on or slightly under budget

CLE Revenue	33.33%	41.22%	\$160,270 (Over budget)	35.19%	Expected to be on budget
CLE Direct Expenses	33.33%	15.32%	\$121,087 (Under budget)	15.82%	Expected to be on or slightly under budget
CLE Indirect Expenses	33.33%	33.47%	\$1,917 (Over budget)	32.05%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of January 31, 2018 (4 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of January 31, 2018 33.33% 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		-	85,187	253,727	7,965	51,600	93,152	305,327	(93,152)	(305,327)
Administration	31,112	55,000	352,492	1,047,954	(10,634)	3,045	341,859	1,050,999	(310,747)	(995,999)
Admissions/Bar Exam	424,525	1,327,400	255,511	777,321	33,529	392,117	289,040	1,189,438	135,485	157,952
Board of Governors		-	202,369	522,466	60,278	280,080	262,647	802,546	(262,647)	(802,546)
Communications Strategies	1,210	44,750	175,996	533,090	18,027	103,440	194,022	636,530	(192,812)	(591,780)
Conference & Broadcast Services		0	243,972	734,260	1,019	4,700	244,991	738,960	(244,991)	(738,960)
Discipline	34,748	130,300	1,775,926	5,510,929	54,564	256,826	1,830,490	5,767,755	(1,795,742)	(5,637,455)
Diversity	98,198	100,374	133,385	417,383	4,530	25,250	137,915	442,633	(39,716)	(342,259)
Foundation		-	49,975	147,130	958	17,600	50,932	164,730	(50,932)	(164,730)
Human Resources		-	125,486	269,931		-	125,486	269,931	(125,486)	(269,931)
Law Clerk Program	80,800	112,000	35,372	108,267	1,782	4,350	37,154	112,617	43,646	(617)
Legislative		-	22,817	127,140	3,939	24,700	26,757	151,840	(26,757)	(151,840)
Licensing and Membership Records	122,315	284,700	215,045	651,149	11,655	45,996	227,600	697,145	(105,286)	(412,445)
Licensing Fees	4,503,470	15,068,125					0	-	4,503,470	15,068,125
Limited License Legal Technician			73,794	229,148	4,259	25,600	78,053	254,748	(78,053)	(254,748)
Limited Practice Officers			50,375	156,182	1,474	3,000	51,849	156,182	(51,849)	(156,182)
Mandatory CLE	309,960	761,000	187,309	538,896	79,587	238,444	266,896	777,340	43,064	(16,340)
Member Assistance Program	4,255	10,000	42,259	131,605	(50)	1,500	42,209	133,105	(37,954)	(123,105)
Member Benefits	8,812		14,033	42,770,000	31,215	123,760	45,248	166,530	(36,436)	(166,530)
Mentorship Program			32,198	104,617	746	11,225	32,944	115,842	(32,944)	(115,842)
New Member Program	96,173	53,200	76,498	262,083	10,435	35,780	86,933	297,863	9,240	(244,653)
NW Lawyer	158,100	538,350	55,199	226,805	89,511	434,500	144,710	661,305	13,390	(122,955)
Office of General Counsel	60		291,925	782,452	1,403	13,296	293,328	795,748	(263,268)	(795,748)
OGC-Disciplinary Board	-		61,929	200,463	29,961	103,500	91,890	303,963	(91,890)	(303,963)
Outreach and Engagement			100,639	362,671	1,174	22,750	101,814	385,421	(101,814)	(385,421)
Practice Management Assistance	11,723	15,000.00	67,540	205,719	245	5,850	67,785	211,569	(56,062)	(196,569)
Practice of Law Board			33,335	96,034	5,021	15,200	38,356	111,234	(38,356)	(111,234)
Professional Responsibility Program			86,369	277,796	3,537	6,300	89,907	284,096	(89,907)	(284,096)
Public Service Programs	105,200	105,000	75,709	224,933	56,043	224,615	131,752	449,548	(26,552)	(344,548)
Publication and Design Services			51,233	151,900	4,100	4,100	55,333	156,000	(55,333)	(156,000)
Sections Administration	264,750	308,000	149,113	462,803	6,415	10,100	155,528	472,903	109,222	(164,903)
Technology		-	506,755	1,468,042			506,755	1,468,042	(506,755)	(1,468,042)
Subtotal General Fund	6,255,410	18,913,199	5,600,645	17,025,666	512,688	2,489,224	6,113,333	19,514,890	142,076	(601,691)
Expenses using reserve funds							6,113,333			
Total General Fund - Net Result from Operations									142,076	(601,691)
Percentage of Budget	33.07%		32.90%		20.80%		31.33%			
CLE-Seminars and Products	808,832	1,862,235	376,413	1,121,849	91,721	577,582	468,134	1,699,431	340,698	162,804
CLE - Deskbooks	28,781	170,000	81,612	246,210	11,262	94,695	92,874	340,905	(64,093)	(170,905)
Total CLE	837,614	2,032,235	458,025	1,368,059	102,983	672,277	561,008	2,040,336	276,605	(8,101)
Percentage of Budget	41.22%		33.48%		16.32%		27.50%			
Total All Sections	422,226	613,210	-	-	357,898	903,363	357,898	903,363	64,328	(290,152)
Client Protection Fund-Restricted	886,445	992,500	53,865	162,720	21,780	403,000	75,646	565,720	810,799	426,780
Management of Western States Bar Conference (No WSB)	9,450	49,900			18,382	46,860	18,382	46,860	(8,932)	3,040
Totals	8,411,144	22,601,044	6,112,535.37	18,556,445	1,013,733	4,514,723.50	7,126,268	23,071,169	1,284,876	(470,124)
Percentage of Budget	37.22%		32.94%		22.45%		30.89%			

Fund Balances 2018 Budgeted Fund Balances
Sept. 30, 2017 Fund Balance: Year to date

Summary of Fund Balances:			
Restricted Funds:			
Client Protection Fund	3,242,299	3,669,079	4,053,098
Western States Bar Conference	19,632	22,672	10,699
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	477,481	762,187
Section Funds	1,197,727	907,575	1,262,054
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	1,062,060	1,805,827
Total General Fund Balance	3,363,751	2,762,060	3,505,827
Net Change in general Fund Balance		(601,691)	142,076
Total Fund Balance	8,308,990	7,838,866	9,593,866
Net Change In Fund Balance		(470,124)	1,284,876.35

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2018 to January 31, 2018

33.33% 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	1,151,505.55	4,464,369.01	10,488,630.99	29.86%
LLLTLICENSE FEES	6,125.00	393.66	1,706.16	4,418.84	27.86%
LPO LICENSE FEES	109,000.00	8,822.41	37,394.91	71,605.09	34.31%
TOTAL REVENUE:	<u>15,068,125.00</u>	<u>1,160,721.62</u>	<u>4,503,470.08</u>	<u>10,564,654.92</u>	<u>29.89%</u>

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2018 to January 31, 2018
33.33% 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	-	142.74	1,857.26	7.14%
ATJ BOARD EXPENSE	24,000.00	840.27	3,622.23	20,377.77	15.09%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	458.32	1,357.05	1,642.95	45.24%
STAFF TRAVEL/PARKING	2,700.00	6.00	37.00	2,663.00	1.37%
PUBLIC DEFENSE	8,400.00	540.39	1,388.68	7,011.32	16.53%
RECEPTION/FORUM EXPENSE	9,500.00	-	1,417.19	8,082.81	15%
TOTAL DIRECT EXPENSES:	51,600.00	1,844.98	7,964.89	43,635.11	15.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	148,145.00	12,723.18	51,174.38	96,970.62	34.54%
BENEFITS EXPENSE	54,588.00	4,524.31	18,894.44	35,693.56	34.61%
OTHER INDIRECT EXPENSE	50,994.00	3,244.60	15,117.88	35,876.12	29.65%
TOTAL INDIRECT EXPENSES:	253,727.00	20,492.09	85,186.70	168,540.30	33.57%
TOTAL ALL EXPENSES:	305,327.00	22,337.07	93,151.59	212,175.41	30.51%
NET INCOME (LOSS):	(305,327.00)	(22,337.07)	(93,151.59)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2018 to January 31, 2018
33.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	9,364.63	18,743.31	6,256.69	74.97%
GAIN/LOSS ON INVESTMENTS	30,000.00	(8,628.70)	8,565.28	21,434.72	28.55%
MISCELLANEOUS	-	3,537.00	3,537.00	(3,537.00)	
RPC BOOKLETS	-	-	266.22	(266.22)	
TOTAL REVENUE:	55,000.00	4,272.93	31,111.81	23,888.19	56.57%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	(6,188.92)	(11,729.79)	11,729.79	
STAFF TRAVEL/PARKING	2,500.00	502.00	1,096.00	1,404.00	43.84%
STAFF MEMBERSHIP DUES	545.00	-	-	545.00	0.00%
TOTAL DIRECT EXPENSES:	3,045.00	(5,686.92)	(10,633.79)	13,678.79	-349.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	636,186.00	58,596.17	219,823.66	416,362.34	34.55%
BENEFITS EXPENSE	220,418.00	18,134.16	76,052.80	144,365.20	34.50%
OTHER INDIRECT EXPENSE	191,350.00	12,150.94	56,615.99	134,734.01	29.59%
TOTAL INDIRECT EXPENSES:	1,047,954.00	88,881.27	352,492.45	695,461.55	33.64%
TOTAL ALL EXPENSES:	1,050,999.00	83,194.35	341,858.66	709,140.34	32.53%
NET INCOME (LOSS):	(995,999.00)	(78,921.42)	(310,746.85)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2018 to January 31, 2018
33.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS/BAR EXAMS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	49,560.00	401,495.00	798,505.00	33.46%
SPECIAL ADMISSIONS	60,000.00	8,680.00	21,080.00	38,920.00	35.13%
LLLT EXAM FEES	7,500.00	(150.00)	2,050.00	5,450.00	27.33%
LLLT WAIVER FEES	900.00	-	-	900.00	0.00%
LPO EXAMINATION FEES	24,000.00	-	(100.00)	24,100.00	-0.42%
TOTAL REVENUE:	1,327,400.00	58,090.00	424,525.00	902,875.00	31.98%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	145.64	959.22	3,040.78	23.98%
STAFF TRAVEL/PARKING	10,240.00	350.00	1,038.50	9,201.50	10.14%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	1,000.00	30.27	2,492.17	(1,492.17)	249.22%
FACILITY, PARKING, FOOD	66,000.00	-	5,994.58	60,005.42	9.08%
EXAMINER FEES	35,000.00	10,000.00	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	450.00	450.00	24,550.00	1.80%
BAR EXAM PROCTORS	30,000.00	-	-	30,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	701.87	8,303.94	11,696.06	41.52%
DISABILITY ACCOMMODATIONS	20,000.00	675.00	675.00	19,325.00	3.38%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	3,192.00	(2,292.00)	354.67%
LAW SCHOOL VISITS	1,000.00	190.95	423.75	576.25	42.38%
EXAM WRITING	28,355.00	-	-	28,355.00	0.00%
COURT REPORTERS	18,000.00	-	-	18,000.00	0.00%
TOTAL DIRECT EXPENSES:	392,117.00	12,543.73	33,529.16	358,587.84	8.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	454,259.00	38,275.12	153,962.62	300,296.38	33.89%
BENEFITS EXPENSE	172,508.00	13,628.72	57,006.36	115,501.64	33.05%
OTHER INDIRECT EXPENSE	150,554.00	9,559.61	44,542.01	106,011.99	29.59%
TOTAL INDIRECT EXPENSES:	777,321.00	61,463.45	255,510.99	521,810.01	32.87%
TOTAL ALL EXPENSES:	1,169,438.00	74,007.18	289,040.15	880,397.85	24.72%
NET INCOME (LOSS):	157,962.00	(15,917.18)	135,484.85		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2018 to January 31, 2018

33.33% 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	450.00	1,434.00	3,266.00	30.51%
STAFF MEMBERSHIP DUES	1,880.00	-	550.00	1,330.00	29.26%
TELEPHONE	1,000.00	85.82	308.89	691.11	30.89%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	23,793.09	39,847.42	75,152.58	34.65%
BOG COMMITTEES' EXPENSES	30,000.00	3,635.88	7,397.06	22,602.94	24.66%
BOG CONFERENCE ATTENDANCE	17,500.00	1,609.78	1,960.17	15,539.83	11.20%
BOG TRAVEL & OUTREACH	45,000.00	2,192.53	7,867.30	37,132.70	17.48%
ED TRAVEL & OUTREACH	5,000.00	335.95	913.20	4,086.80	18.26%
TOTAL DIRECT EXPENSES:	280,080.00	32,103.05	60,278.04	219,801.96	21.52%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,509.00	45,774.25	148,591.36	208,917.64	41.56%
BENEFITS EXPENSE	105,464.00	8,459.26	36,123.50	69,340.50	34.25%
OTHER INDIRECT EXPENSE	59,493.00	3,789.03	17,654.53	41,838.47	29.67%
TOTAL INDIRECT EXPENSES:	522,466.00	58,022.54	202,369.39	320,096.61	38.73%
TOTAL ALL EXPENSES:	802,546.00	90,125.59	262,647.43	539,898.57	32.73%
NET INCOME (LOSS):	(802,546.00)	(90,125.59)	(262,647.43)		

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	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	289.00	1,348.09	1,291.91	51.06%
STAFF MEMBERSHIP DUES	1,700.00	867.50	867.50	832.50	51.03%
SUBSCRIPTIONS	10,050.00	95.94	311.82	9,738.18	3.10%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	16.60	66.40	1,383.60	4.58%
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	12.89	287.38	14,712.62	1.92%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	103,440.00	1,281.93	18,026.71	85,413.29	17.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	304,516.00	25,507.76	109,342.46	195,173.54	35.91%
BENEFITS EXPENSE	114,930.00	7,920.93	32,967.63	81,962.37	28.68%
OTHER INDIRECT EXPENSE	113,644.00	7,229.61	33,685.54	79,958.46	29.64%
TOTAL INDIRECT EXPENSES:	533,090.00	40,658.30	175,995.63	357,094.37	33.01%
TOTAL ALL EXPENSES:	636,530.00	41,940.23	194,022.34	442,507.66	30.48%
NET INCOME (LOSS):	(591,780.00)	(41,940.23)	(192,812.34)		

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	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	-	-	1,200.00	0.00%
TRANSLATION SERVICES	3,500.00	185.65	1,019.10	2,480.90	29.12%
TOTAL DIRECT EXPENSES:	4,700.00	185.65	1,019.10	3,680.90	21.68%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	398,693.00	35,703.00	136,926.44	261,766.56	34.34%
BENEFITS EXPENSE	161,944.00	13,551.76	55,896.96	106,047.04	34.52%
OTHER INDIRECT EXPENSE	173,623.00	10,848.27	51,148.52	122,474.48	29.46%
TOTAL INDIRECT EXPENSES:	734,260.00	60,103.03	243,971.92	490,288.08	33.23%
TOTAL ALL EXPENSES:	738,960.00	60,288.68	244,991.02	493,968.98	33.15%
NET INCOME (LOSS):	(738,960.00)	(60,288.68)	(244,991.02)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	595.00	2,960.00	(660.00)	128.70%
RECOVERY OF DISCIPLINE COSTS	115,000.00	3,617.87	26,625.57	88,374.43	23.15%
DISCIPLINE HISTORY SUMMARY	13,000.00	2,045.90	5,162.73	7,837.27	39.71%
TOTAL REVENUE:	130,300.00	6,258.77	34,748.30	95,551.70	26.67%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	858.00	3,432.00	13,596.00	20.16%
PUBLICATIONS PRODUCTION	330.00	-	-	330.00	0.00%
STAFF TRAVEL/PARKING	39,460.00	3,302.66	11,726.24	27,733.76	29.72%
STAFF MEMBERSHIP DUES	3,308.00	-	1,425.00	1,883.00	43.08%
TELEPHONE	2,800.00	182.20	728.56	2,071.44	26.02%
COURT REPORTERS	65,000.00	-	3,828.74	61,171.26	5.89%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	397.40	4,288.76	25,711.24	14.30%
DISABILITY EXPENSES	15,000.00	22.00	1,059.39	13,940.61	7.06%
ONLINE LEGAL RESEARCH	66,900.00	5,644.06	16,722.97	50,177.03	25.00%
LAW LIBRARY	12,000.00	636.38	11,040.10	959.90	92.00%
TRANSLATION SERVICES	3,000.00	-	302.33	2,697.67	10.08%
POSTAGE	-	-	9.82	(9.82)	
TOTAL DIRECT EXPENSES:	256,826.00	11,042.70	54,563.91	202,262.09	21.25%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,465,982.00	280,878.57	1,120,250.85	2,345,731.15	32.32%
BENEFITS EXPENSE	1,149,149.00	92,942.15	390,452.33	758,696.67	33.98%
OTHER INDIRECT EXPENSE	895,798.00	56,922.16	265,222.71	630,575.29	29.61%
TOTAL INDIRECT EXPENSES:	5,510,929.00	430,742.88	1,775,925.89	3,735,003.11	32.23%
TOTAL ALL EXPENSES:	5,767,755.00	441,785.58	1,830,489.80	3,937,265.20	31.74%
NET INCOME (LOSS):	(5,637,455.00)	(435,526.81)	(1,795,741.50)		

Washington State Bar Association
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33.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS & GRANTS	90,000.00	-	97,500.00	(7,500.00)	108.33%
WORK STUDY GRANTS	10,374.00	509.25	698.25	9,675.75	6.73%
TOTAL REVENUE:	100,374.00	509.25	98,198.25	2,175.75	97.83%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	543.01	1,058.53	6,941.47	13.23%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	153.54	840.94	5,359.06	13.56%
DIVERSITY EVENTS & PROJECTS	10,000.00	888.83	2,626.85	7,373.15	26.27%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
MISCELLANEOUS	-	3.29	3.29	(3.29)	
TOTAL DIRECT EXPENSE:	25,250.00	1,588.67	4,529.61	20,720.39	17.94%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	253,236.00	18,952.62	80,616.98	172,619.02	31.83%
BENEFITS EXPENSE	86,199.00	7,107.86	29,736.01	56,462.99	34.50%
OTHER INDIRECT EXPENSE	77,948.00	4,943.14	23,031.95	54,916.05	29.55%
TOTAL INDIRECT EXPENSES:	417,383.00	31,003.62	133,384.94	283,998.06	31.96%
TOTAL ALL EXPENSES:	442,633.00	32,592.29	137,914.55	304,718.45	31.16%
NET INCOME (LOSS):	(342,259.00)	(32,083.04)	(39,716.30)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	-	3,000.00	0.00%
PRINTING & COPYING	1,500.00	-	496.81	1,003.19	33.12%
STAFF TRAVEL/PARKING	1,500.00	47.59	128.88	1,371.12	8.59%
STAFF MEMBERSHIP DUES	600.00	-	-	600.00	0.00%
SUPPLIES	500.00	15.95	15.95	484.05	3.19%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	5,000.00	142.61	316.15	4,683.85	6.32%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	206.15	957.79	16,642.21	5.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	85,993.00	7,346.16	30,458.10	55,534.90	35.42%
BENEFITS EXPENSE	31,997.00	2,600.51	10,892.24	21,104.76	34.04%
OTHER INDIRECT EXPENSE	29,140.00	1,850.92	8,624.33	20,515.67	29.60%
TOTAL INDIRECT EXPENSES:	147,130.00	11,797.59	49,974.67	97,155.33	33.97%
TOTAL ALL EXPENSES:	164,730.00	12,003.74	50,932.46	113,797.54	30.92%
NET INCOME (LOSS):	(164,730.00)	(12,003.74)	(50,932.46)		

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	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	-	-	150.00	0.00%
STAFF MEMBERSHIP DUES	1,188.00	120.00	678.00	510.00	57.07%
SUBSCRIPTIONS	1,938.00	-	106.92	1,831.08	5.52%
STAFF TRAINING- GENERAL	29,400.00	719.94	13,147.44	16,252.56	44.72%
RECRUITING AND ADVERTISING	7,000.00	321.05	1,434.78	5,565.22	20.50%
PAYROLL PROCESSING	55,000.00	3,260.08	15,149.60	39,850.40	27.54%
SALARY SURVEYS	2,900.00	-	-	2,900.00	0.00%
THIRD PARTY SERVICES	22,500.00	-	13,487.25	9,012.75	59.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(4,421.07)	(44,003.99)	(76,072.01)	36.65%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	249,508.00	19,290.32	79,984.64	169,523.36	32.06%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,201.00	6,543.88	27,643.77	52,557.23	34.47%
OTHER INDIRECT EXPENSE	60,222.00	3,832.55	17,857.41	42,364.59	29.65%
TOTAL INDIRECT EXPENSES:	269,931.00	29,666.75	125,485.82	144,445.18	46.49%
TOTAL ALL EXPENSES:	269,931.00	29,666.75	125,485.82	144,445.18	46.49%
NET INCOME (LOSS):	(269,931.00)	(29,666.75)	(125,485.82)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	54,500.00	79,700.00	30,300.00	72.45%
LAW CLERK APPLICATION FEES	2,000.00	100.00	1,100.00	900.00	55.00%
TOTAL REVENUE:	112,000.00	54,600.00	80,800.00	31,200.00	72.14%
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	341.92	1,531.72	2,468.28	38.29%
TOTAL DIRECT EXPENSES:	4,350.00	341.92	1,781.72	2,568.28	40.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	64,505.00	5,461.04	21,299.95	43,205.05	33.02%
BENEFITS EXPENSE	23,122.00	1,912.49	7,984.06	15,137.94	34.53%
OTHER INDIRECT EXPENSE	20,640.00	1,306.56	6,087.78	14,552.22	29.50%
TOTAL INDIRECT EXPENSES:	108,267.00	8,680.09	35,371.79	72,895.21	32.67%
TOTAL ALL EXPENSES:	112,617.00	9,022.01	37,153.51	75,463.49	32.99%
NET INCOME (LOSS):	(617.00)	45,577.99	43,646.49		

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	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	497.51	574.57	7,425.43	7.18%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	26.67	106.64	2,893.36	3.55%
OLYMPIA RENT	2,500.00	-	489.84	2,010.16	19.59%
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	165.11	253.87	2,246.13	10.15%
BOG LEGISLATIVE COMMITTEE	250.00	240.79	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	930.08	3,939.32	20,760.68	15.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,697.00	1,610.10	8,561.96	67,135.04	11.31%
BENEFITS EXPENSE	27,160.00	1,401.68	7,051.63	20,108.37	25.96%
OTHER INDIRECT EXPENSE	24,283.00	1,546.08	7,203.82	17,079.18	29.67%
TOTAL INDIRECT EXPENSES:	127,140.00	4,557.86	22,817.41	104,322.59	17.95%
TOTAL ALL EXPENSES:	151,840.00	5,487.94	26,756.73	125,083.27	17.62%
NET INCOME (LOSS):	(151,840.00)	(5,487.94)	(26,756.73)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	2,220.32	6,283.82	15,716.18	28.56%
RULE 9/LEGAL INTERN FEES	11,000.00	750.00	1,400.00	9,600.00	12.73%
INVESTIGATION FEES	20,000.00	2,600.00	6,200.00	13,800.00	31.00%
PRO HAC VICE	210,000.00	28,545.00	100,025.00	109,975.00	47.63%
MEMBER CONTACT INFORMATION	21,000.00	2,900.00	8,225.71	12,774.29	39.17%
PHOTO BAR CARD SALES	700.00	60.00	180.00	520.00	25.71%
TOTAL REVENUE:	284,700.00	37,075.32	122,314.53	162,385.47	42.96%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	3,452.00	8,044.00	30.03%
POSTAGE	31,500.00	(3,584.45)	6,202.83	25,297.17	19.69%
LICENSING FORMS	3,000.00	(154.72)	2,000.07	999.93	66.67%
TOTAL DIRECT EXPENSES:	45,996.00	(2,588.17)	11,654.90	34,341.10	25.34%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	402,984.00	35,425.68	135,948.15	267,035.85	33.74%
BENEFITS EXPENSE	135,249.00	11,092.10	46,616.25	88,632.75	34.47%
OTHER INDIRECT EXPENSE	112,916.00	7,164.25	33,381.09	79,534.91	29.56%
TOTAL INDIRECT EXPENSES:	651,149.00	53,682.03	215,945.49	435,203.51	33.16%
TOTAL ALL EXPENSES:	697,145.00	51,093.86	227,600.39	469,544.61	32.65%
NET INCOME (LOSS):	(412,445.00)	(14,018.54)	(105,285.86)		

Washington State Bar Association
Statement of Activities
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33.33% 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	-	-	600.00	0.00%
LLLT BOARD	17,000.00	666.75	4,259.19	12,740.81	25.05%
LLLT OUTREACH	8,000.00	-	-	8,000.00	0.00%
TOTAL DIRECT EXPENSES:	25,600.00	666.75	4,259.19	21,340.81	16.64%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.70 FTE)	138,305.00	11,621.82	44,527.06	93,777.94	32.19%
BENEFITS EXPENSE	48,348.00	3,969.20	16,685.71	31,662.29	34.51%
OTHER INDIRECT EXPENSE	42,495.00	2,700.21	12,581.37	29,913.63	29.61%
TOTAL INDIRECT EXPENSES:	229,148.00	18,291.23	73,794.14	155,353.86	32.20%
TOTAL ALL EXPENSES:	254,748.00	18,957.98	78,053.33	176,694.67	30.64%
NET INCOME (LOSS):	(254,748.00)	(18,957.98)	(78,053.33)		

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	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	415.46	1,474.09	1,525.91	49.14%
TOTAL DIRECT EXPENSES:	3,000.00	415.46	1,474.09	1,525.91	49.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	94,904.00	8,129.00	30,624.22	64,279.78	32.27%
BENEFITS EXPENSE	33,110.00	2,719.47	11,431.28	21,678.72	34.53%
OTHER INDIRECT EXPENSE	28,168.00	1,785.61	8,319.85	19,848.15	29.54%
TOTAL INDIRECT EXPENSES:	156,182.00	12,634.08	50,375.35	105,806.65	32.25%
TOTAL ALL EXPENSES:	159,182.00	13,049.54	51,849.44	107,332.56	32.57%
NET INCOME (LOSS):	(159,182.00)	(13,049.54)	(51,849.44)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CLE ADMINISTRATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	19,500.00	98,300.00	183,700.00	34.86%
FORM 1 LATE FEES	100,000.00	9,310.00	51,555.00	48,445.00	51.56%
MEMBER LATE FEES	203,000.00	54,400.00	56,400.00	146,600.00	27.78%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	2,536.00	21,504.00	38,496.00	35.84%
ATTENDANCE LATE FEES	60,000.00	6,125.00	28,525.00	31,475.00	47.54%
COMITY CERTIFICATES	29,000.00	10,925.37	24,175.66	4,824.34	83.36%
TOTAL REVENUE:	761,000.00	102,796.37	309,959.66	451,040.34	40.73%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,080.00	79,235.00	156,709.00	33.58%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	195.65	352.04	1,647.96	17.60%
TOTAL DIRECT EXPENSES:	238,444.00	20,275.65	79,587.04	158,856.96	33.38%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	310,624.00	25,353.52	115,805.96	194,818.04	37.28%
BENEFITS EXPENSE	112,928.00	9,407.91	37,310.13	75,617.87	33.04%
OTHER INDIRECT EXPENSE	115,344.00	7,338.47	34,192.86	81,151.14	29.64%
TOTAL INDIRECT EXPENSES:	538,896.00	42,099.90	187,308.95	351,587.05	34.76%
TOTAL ALL EXPENSES:	777,340.00	62,375.55	266,895.99	510,444.01	34.33%
NET INCOME (LOSS):	(16,340.00)	40,420.82	43,063.67		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	750.00	4,255.00	5,745.00	42.55%
TOTAL REVENUE:	10,000.00	750.00	4,255.00	5,745.00	42.55%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	-	(49.50)	899.50	-5.82%
TOTAL DIRECT EXPENSES:	1,500.00	-	(49.50)	1,549.50	-3.30%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	78,885.00	6,597.46	26,771.47	52,113.53	33.94%
BENEFITS EXPENSE	31,594.00	2,179.98	9,196.58	22,397.42	29.11%
OTHER INDIRECT EXPENSE	21,126.00	1,350.14	6,290.66	14,835.34	29.78%
TOTAL INDIRECT EXPENSES:	131,605.00	10,127.58	42,258.71	89,346.29	32.11%
TOTAL ALL EXPENSES:	133,105.00	10,127.58	42,209.21	90,895.79	31.71%
NET INCOME (LOSS):	(123,105.00)	(9,377.58)	(37,954.21)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER BENEFITS					
REVENUE:					
MP3 SALES	-	-	784.00	(784.00)	
DIGITAL VIDEO SALES	-	294.00	3,528.00	(3,528.00)	
SEMINAR REVENUE-OTHER	-	4,500.00	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	4,794.00	8,812.00	(8,812.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	1,142.04	557.96	67.18%
WSBA CONNECTS	46,560.00	-	11,640.00	34,920.00	25.00%
CASEMAKER	75,000.00	-	18,433.41	56,566.59	24.58%
TOTAL DIRECT EXPENSES:	123,760.00	-	31,215.45	92,544.55	25.22%
INDIRECT EXPENSES:	23,685.00	1,977.12	7,953.63	15,731.37	33.58%
SALARY EXPENSE (0.40 FTE)	9,372.00	777.68	3,238.37	6,133.63	34.55%
BENEFITS EXPENSE	9,713.00	609.71	2,840.93	6,872.07	29.25%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,770.00	3,364.51	14,032.93	28,737.07	32.81%
TOTAL ALL EXPENSES:	166,530.00	3,364.51	45,248.38	121,281.62	27.17%
NET INCOME (LOSS):	(166,530.00)	1,429.49	(36,436.38)		

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	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	-	-	2,000.00	0.00%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	3.61	3.61	96.39	3.61%
MENTORSHIP PROGRAM EXPENSES	2,500.00	8.60	8.60	2,491.40	0.34%
RECEPTION/FORUM EXPENSE	6,500.00	32.37	733.78	5,766.22	11.29%
TOTAL DIRECT EXPENSES:	11,225.00	44.58	745.99	10,479.01	6.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	60,292.00	3,305.14	17,888.17	42,403.83	29.67%
BENEFITS EXPENSE	22,470.00	1,871.98	7,815.88	14,654.12	34.78%
OTHER INDIRECT EXPENSE	21,855.00	1,393.65	6,493.59	15,361.41	29.71%
TOTAL INDIRECT EXPENSES:	104,617.00	6,570.77	32,197.64	72,419.36	30.78%
TOTAL ALL EXPENSES:	115,842.00	6,615.35	32,943.63	82,898.37	28.44%
NET INCOME (LOSS):	(115,842.00)	(6,615.35)	(32,943.63)		

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33.33% 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	6,949.00	54,681.05	(39,681.05)	364.54%
SPONSORSHIPS	1,200.00	745.00	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	7,694.00	96,172.51	(42,972.51)	180.78%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	(65.00)	733.17	766.83	48.88%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	68.00	1,932.00	3.40%
STAFF MEMBERSHIP DUES	30.00	-	-	30.00	0.00%
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	12.08	578.30	921.70	38.55%
NEW LAWYER OUTREACH EVENTS	3,000.00	1,295.22	2,433.94	566.06	81.13%
NEW LAWYERS COMMITTEE	15,000.00	707.79	1,292.49	13,707.51	8.62%
OPEN SECTIONS NIGHT	3,000.00	1,215.65	2,581.53	418.47	86.05%
TRIAL ADVOCACY PROGRAM	2,500.00	3.99	2,747.17	(247.17)	109.89%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	35,780.00	3,169.73	10,434.60	25,345.40	29.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,325.00	8,367.04	41,167.26	111,157.74	27.03%
BENEFITS EXPENSE	56,336.00	4,671.45	19,502.67	36,833.33	34.62%
OTHER INDIRECT EXPENSE	53,422.00	3,397.07	15,828.18	37,593.82	29.63%
TOTAL INDIRECT EXPENSES:	262,083.00	16,435.56	76,498.11	185,584.89	29.19%
TOTAL ALL EXPENSES:	297,863.00	19,605.29	86,932.71	210,930.29	29.19%
NET INCOME (LOSS):	(244,663.00)	(11,911.29)	9,239.80		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	-	112,221.25	287,778.75	28.06%
SUBSCRIPT/SINGLE ISSUES	350.00	-	108.00	242.00	30.86%
CLASSIFIED ADVERTISING	100,000.00	10,365.84	35,654.49	64,345.51	35.65%
GEN ANNOUNCEMENTS	15,000.00	-	3,150.00	11,850.00	21.00%
PROF ANNOUNCEMENTS	23,000.00	-	5,817.50	17,182.50	25.29%
TOTAL REVENUE:	538,350.00	10,365.84	158,100.04	380,249.96	29.37%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	2,050.00	643.00	5,357.00	10.72%
POSTAGE	89,000.00	9,464.58	38,428.64	50,571.36	43.18%
PRINTING, COPYING & MAILING	250,000.00	-	47,551.21	202,448.79	19.02%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	2,100.00	8,100.00	20.59%
GRAPHICS/ARTWORK	3,500.00	-	731.52	2,768.48	20.90%
OUTSIDE SALES EXPENSE	75,000.00	-	-	75,000.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	42.01	56.44	743.56	7.06%
TOTAL DIRECT EXPENSES:	434,500.00	11,556.59	89,510.81	344,989.19	20.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	130,495.00	7,003.07	28,015.84	102,479.16	21.47%
BENEFITS EXPENSE	52,601.00	3,693.14	14,195.72	38,405.28	26.99%
OTHER INDIRECT EXPENSE	43,709.00	2,787.33	12,987.21	30,721.79	29.71%
TOTAL INDIRECT EXPENSES:	226,805.00	13,483.54	55,198.77	171,606.23	24.34%
TOTAL ALL EXPENSES:	661,305.00	25,040.13	144,709.58	516,595.42	21.88%
NET INCOME (LOSS):	(122,955.00)	(14,674.29)	13,390.46		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	59.59	(59.59)	
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>59.59</u>	<u>(59.59)</u>	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	350.00	1,122.37	2,117.63	34.64%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
COURT RULES COMMITTEE	4,000.00	149.26	150.79	3,849.21	3.77%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	129.75	2,370.25	5.19%
TOTAL DIRECT EXPENSES:	<u>13,296.00</u>	<u>499.26</u>	<u>1,402.91</u>	<u>11,893.09</u>	<u>10.55%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	484,284.00	43,396.61	167,150.86	317,133.14	34.52%
BENEFITS EXPENSE	166,797.00	13,266.11	55,913.97	110,883.03	33.52%
OTHER INDIRECT EXPENSE	131,371.00	8,340.16	38,860.09	92,510.91	29.58%
TOTAL INDIRECT EXPENSES:	<u>782,452.00</u>	<u>65,002.88</u>	<u>261,924.92</u>	<u>520,527.08</u>	<u>33.47%</u>
TOTAL ALL EXPENSES:	<u>795,748.00</u>	<u>65,502.14</u>	<u>263,327.83</u>	<u>532,420.17</u>	<u>33.09%</u>
NET INCOME (LOSS):	<u>(795,748.00)</u>	<u>(65,502.14)</u>	<u>(263,268.24)</u>		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OGC-DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	328.20	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	1,584.28	4,097.35	5,902.65	40.97%
CHIEF HEARING OFFICER	33,000.00	2,500.00	10,333.60	22,666.40	31.31%
HEARING OFFICER EXPENSES	3,000.00	-	201.91	2,798.09	6.73%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,750.00	15,000.00	40,000.00	27.27%
TOTAL DIRECT EXPENSES:	103,500.00	8,162.48	29,961.06	73,538.94	28.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	117,064.00	9,266.20	36,506.96	80,557.04	31.19%
BENEFITS EXPENSE	44,546.00	3,319.09	13,956.83	30,589.17	31.33%
OTHER INDIRECT EXPENSE	38,853.00	2,460.68	11,465.26	27,387.74	29.51%
TOTAL INDIRECT EXPENSES:	200,463.00	15,045.97	61,929.05	138,533.95	30.89%
TOTAL ALL EXPENSES:	303,963.00	23,208.45	91,890.11	212,072.89	30.23%
NET INCOME (LOSS):	(303,963.00)	(23,208.45)	(91,890.11)		

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	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	219.00	81.00	73.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	-	4,500.00	0.00%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	-	23.73	4,476.27	0.53%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	5,000.00	-	307.41	4,692.59	6.15%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	219.00	1,174.23	21,575.77	5.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	216,560.00	13,910.34	56,495.91	160,064.09	26.09%
BENEFITS EXPENSE	77,390.00	5,359.63	23,850.92	53,539.08	30.82%
OTHER INDIRECT EXPENSE	68,721.00	4,355.20	20,292.47	48,428.53	29.53%
TOTAL INDIRECT EXPENSES:	362,671.00	23,625.17	100,639.30	262,031.70	27.75%
TOTAL ALL EXPENSES:	385,421.00	23,844.17	101,813.53	283,607.47	26.42%
NET INCOME (LOSS):	(385,421.00)	(23,844.17)	(101,813.53)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	2,567.99	11,677.98	3,322.02	77.85%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	2,567.99	11,722.98	3,277.02	78.15%
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	2,000.00	169.66	198.65	1,801.35	9.93%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	100.00	26.72	26.72	73.28	26.72%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	19.54	980.46	1.95%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	-	-	2,250.00	0.00%
TOTAL DIRECT EXPENSES:	5,850.00	196.38	244.91	5,605.09	4.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	125,950.00	10,386.54	41,784.83	84,165.17	33.18%
BENEFITS EXPENSE	43,345.00	3,576.88	15,000.09	28,344.91	34.61%
OTHER INDIRECT EXPENSE	36,424.00	2,308.28	10,755.06	25,668.94	29.53%
TOTAL INDIRECT EXPENSES:	205,719.00	16,271.70	67,539.98	138,179.02	32.83%
TOTAL ALL EXPENSES:	211,569.00	16,468.08	67,784.89	143,784.11	32.04%
NET INCOME (LOSS):	(196,569.00)	(13,900.09)	(56,061.91)		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2018 to January 31, 2018
33.33% 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	1,680.26	5,021.14	9,978.86	33.47%
TOTAL DIRECT EXPENSES:	15,200.00	1,680.26	5,021.14	10,178.86	33.03%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	60,125.00	5,990.66	21,738.74	38,386.26	36.16%
BENEFITS EXPENSE	20,125.00	1,644.77	6,929.13	13,195.87	34.43%
OTHER INDIRECT EXPENSE	15,784.00	1,001.68	4,667.25	11,116.75	29.57%
TOTAL INDIRECT EXPENSES:	96,034.00	8,637.11	33,335.12	62,698.88	34.71%
TOTAL ALL EXPENSES:	111,234.00	10,317.37	38,356.26	72,877.74	34.48%
NET INCOME (LOSS):	(111,234.00)	(10,317.37)	(38,356.26)		

Washington State Bar Association

Statement of Activities

For the Period from January 1, 2018 to January 31, 2018

33.33% 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	-	1,192.42	607.58	66.25%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,000.00	405.20	2,344.85	1,655.15	58.62%
TOTAL DIRECT EXPENSES:	6,300.00	405.20	3,537.27	2,762.73	56.15%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,068.00	13,415.48	53,742.30	115,325.70	31.79%
BENEFITS EXPENSE	62,833.00	4,498.47	19,030.96	43,802.04	30.29%
OTHER INDIRECT EXPENSE	45,895.00	2,917.98	13,595.99	32,299.01	29.62%
TOTAL INDIRECT EXPENSES:	277,796.00	20,831.93	86,369.25	191,426.75	31.09%
TOTAL ALL EXPENSES:	284,096.00	21,237.13	89,906.52	194,189.48	31.65%
NET INCOME (LOSS):	(284,096.00)	(21,237.13)	(89,906.52)		

Washington State Bar Association
Statement of Activities
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33.33% 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	480.00	2,700.00	7,300.00	27.00%
TOTAL REVENUE:	105,000.00	480.00	105,200.00	(200.00)	100.19%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	55,458.00	55,458.00	152,457.00	26.67%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	82.14	1,917.86	4.11%
CONFERENCE CALLS	200.00	6.66	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	79.80	496.26	1,503.74	24.81%
DAY OF SERVICE	11,500.00	-	-	11,500.00	0.00%
VOLUNTEER RECRUITMENT & OUTREACH	-	-	-	-	-
TOTAL DIRECT EXPENSES:	224,615.00	55,544.46	56,043.06	168,571.94	24.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	134,349.00	10,966.96	46,361.17	87,987.83	34.51%
BENEFITS EXPENSE	47,603.00	3,973.52	16,665.00	30,938.00	35.01%
OTHER INDIRECT EXPENSE	42,981.00	2,721.98	12,682.77	30,298.23	29.51%
TOTAL INDIRECT EXPENSES:	224,933.00	17,662.46	75,708.94	149,224.06	33.66%
TOTAL ALL EXPENSES:	449,548.00	73,206.92	131,752.00	317,796.00	29.31%
NET INCOME (LOSS):	(344,548.00)	(72,726.92)	(26,552.00)		

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	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)	84,975.00	7,818.41	29,945.42	55,029.58	35.24%
BENEFITS EXPENSE	33,172.00	2,757.61	11,242.71	21,929.29	33.89%
OTHER INDIRECT EXPENSE	33,753.00	2,155.81	10,044.83	23,708.17	29.76%
TOTAL INDIRECT EXPENSES:	151,900.00	12,731.83	51,232.96	100,667.04	33.73%
TOTAL ALL EXPENSES:	156,000.00	12,731.83	55,332.96	100,667.04	35.47%
NET INCOME (LOSS):	(156,000.00)	(12,731.83)	(55,332.96)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	264,750.00	264,750.00	43,250.00	85.96%
TOTAL REVENUE:	308,000.00	264,750.00	264,750.00	43,250.00	85.96%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	93.63	218.35	981.65	18.20%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	80.73	161.33	138.67	53.78%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	10.79	405.39	1,594.61	20.27%
DUES STATEMENTS	6,000.00	5,257.54	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	5,442.69	6,414.61	3,685.39	63.51%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	265,065.00	22,750.64	87,529.05	177,535.95	33.02%
BENEFITS EXPENSE	100,606.00	8,310.40	32,870.05	67,735.95	32.67%
OTHER INDIRECT EXPENSE	97,132.00	6,162.59	28,713.89	68,418.11	29.56%
TOTAL INDIRECT EXPENSES:	462,803.00	37,223.63	149,112.99	313,690.01	32.22%
TOTAL ALL EXPENSES:	472,903.00	42,666.32	155,527.60	317,375.40	32.89%
NET INCOME (LOSS):	(164,903.00)	222,083.68	109,222.40		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	1,943.00	19,841.00	90,159.00	18.04%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,654.61	5,989.30	18,010.70	24.96%
COMPUTER HARDWARE	29,000.00	431.47	11,632.65	17,367.35	40.11%
COMPUTER SOFTWARE	29,000.00	-	853.55	28,146.45	2.94%
HARDWARE SERVICE & WARRANTIES	47,000.00	3,859.97	18,760.00	28,240.00	39.91%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	7,431.77	49,587.24	220,412.76	18.37%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	1,612.75	5,819.92	20,180.08	22.38%
COMPUTER SUPPLIES	34,000.00	347.57	4,448.80	29,551.20	13.08%
THIRD PARTY SERVICES	74,050.00	1,422.25	29,655.00	44,395.00	40.05%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(18,703.39)	(146,587.46)	(499,072.54)	22.70%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,016,775.00	82,422.54	343,253.15	673,521.85	33.76%
BENEFITS EXPENSE	351,444.00	28,841.94	121,221.11	230,222.89	34.49%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(10,114.56)	(44,672.64)	(149,327.36)	23.03%
OTHER INDIRECT EXPENSE	293,823.00	18,661.93	86,953.25	206,869.75	29.59%
TOTAL INDIRECT EXPENSES:	1,468,042.00	119,811.85	506,754.87	961,287.13	34.52%
TOTAL ALL EXPENSES:	1,468,042.00	119,811.85	506,754.87	961,287.13	34.52%
NET INCOME (LOSS):	(1,468,042.00)	(119,811.85)	(506,754.87)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	1,613.72	226,702.23	638,032.77	26.22%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	-	2,000.00	27,500.00	6.78%
SHIPPING & HANDLING	1,000.00	297.00	603.00	397.00	60.30%
COURSEBOOK SALES	17,000.00	1,476.00	4,623.24	12,376.76	27.20%
MP3 AND VIDEO SALES	950,000.00	48,817.20	574,903.94	375,096.06	60.52%
TOTAL REVENUE:	1,862,235.00	52,203.92	808,832.41	1,053,402.59	43.43%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	-	601.02	3,398.98	15.03%
POSTAGE - FLIERS/CATALOGS	30,000.00	-	951.68	29,048.32	3.17%
POSTAGE - MISC./DELIVERY	2,500.00	-	105.00	2,395.00	4.20%
DEPRECIATION	10,615.00	256.00	1,024.00	9,591.00	9.65%
ONLINE EXPENSES	82,000.00	4,455.17	18,019.86	63,980.14	21.98%
ACCREDITATION FEES	3,550.00	12.00	3,022.00	528.00	85.13%
SEMINAR BROCHURES	55,000.00	-	5,467.14	49,532.86	9.94%
FACILITIES	250,000.00	100.00	51,735.40	198,264.60	20.69%
SPEAKERS & PROGRAM DEVELOP	58,000.00	1,637.60	9,641.02	48,358.98	16.62%
SPLITS TO SECTIONS	51,777.00	-	(591.41)	52,368.41	-1.14%
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	93.85	406.15	18.77%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	3,000.00	67.95	223.02	2,776.98	7.43%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	-	320.91	1,679.09	16.05%
COST OF SALES - DESKBOOKS	-	(90.56)	(90.56)	90.56	
COST OF SALES - COURSEBOOKS	1,190.00	127.79	475.97	714.03	40.00%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	-	-	90.56	(90.56)	
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	12.39	131.93	1,868.07	6.60%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	6,672.19	91,721.39	485,860.61	15.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (12.77 FTE)	636,612.00	58,803.44	220,736.49	415,875.51	34.67%
BENEFITS EXPENSE	243,865.00	20,248.76	84,246.61	159,618.39	34.55%
OTHER INDIRECT EXPENSE	241,372.00	15,330.19	71,429.43	169,942.57	29.59%
TOTAL INDIRECT EXPENSES:	1,121,849.00	94,382.39	376,412.53	745,436.47	33.55%
TOTAL ALL EXPENSES:	1,699,431.00	101,054.58	468,133.92	1,231,297.08	27.55%
NET INCOME (LOSS):	162,804.00	(48,850.66)	340,698.49		

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	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	4,944.00	11,897.10	88,102.90	11.90%
SECTION PUBLICATION SALES	6,000.00	550.00	1,950.00	4,050.00	32.50%
CASEMAKER ROYALTIES	60,000.00	3,827.18	14,713.27	45,286.73	24.52%
TOTAL REVENUE:	170,000.00	9,321.18	28,781.37	141,218.63	16.93%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	3,708.52	8,438.57	61,561.43	12.06%
COST OF SALES - SECTION PUBLICATION	1,000.00	108.24	349.06	650.94	34.91%
SPLITS TO SECTIONS	2,000.00	-	1,263.13	736.87	63.16%
DESKBOOK ROYALTIES	1,000.00	-	164.08	835.92	16.41%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	(1,823.33)	(1,457.05)	4,457.05	-48.57%
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	620.00	2,480.00	4,960.00	33.33%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
STAFF TRAVEL/PARKING	-	-	24.26	(24.26)	
TOTAL DIRECT EXPENSES:	94,695.00	2,613.43	11,262.05	83,432.95	11.89%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,616.00	11,773.81	47,724.40	92,891.60	33.94%
BENEFITS EXPENSE	53,386.00	4,424.95	18,465.64	34,920.36	34.59%
OTHER INDIRECT EXPENSE	52,208.00	3,309.92	15,422.30	36,785.70	29.54%
TOTAL INDIRECT EXPENSES:	246,210.00	19,508.68	81,612.34	164,597.66	33.15%
TOTAL ALL EXPENSES:	340,905.00	22,122.11	92,874.39	248,030.61	27.24%
NET INCOME (LOSS):	(170,905.00)	(12,800.93)	(64,093.02)		

Washington State Bar Association
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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	345.74	25,514.17	(22,514.17)	850.47%
CPF MEMBER ASSESSMENTS	982,000.00	551,280.00	851,220.00	130,780.00	86.68%
INTEREST INCOME	7,500.00	3,139.79	9,710.86	(2,210.86)	129.48%
TOTAL REVENUE:	992,500.00	554,765.53	886,445.03	106,054.97	89.31%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(81.68)	(233.16)	1,233.16	-23.32%
GIFTS TO INJURED CLIENTS	400,000.00	500.00	21,625.00	378,375.00	5.41%
CPF BOARD EXPENSES	2,000.00	112.42	388.65	1,611.35	19.43%
TOTAL DIRECT EXPENSES:	403,000.00	530.74	21,780.49	381,219.51	5.40%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	94,918.00	7,881.06	31,704.82	63,213.18	33.40%
BENEFITS EXPENSE	35,020.00	2,908.78	12,127.29	22,892.71	34.63%
OTHER INDIRECT EXPENSE	32,782.00	2,282.62	10,033.32	22,748.68	30.61%
TOTAL INDIRECT EXPENSES:	162,720.00	13,072.46	53,865.43	108,854.57	33.10%
TOTAL ALL EXPENSES:	565,720.00	13,603.20	75,645.92	490,074.08	13.37%
NET INCOME (LOSS):	426,780.00	541,162.33	810,799.11		

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	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	-	-	25,500.00	0.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	-	-	13,000.00	0.00%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	450.00	1,950.00	450.00	81.25%
SPONSORSHIPS	9,000.00	1,500.00	7,500.00	1,500.00	83.33%
TOTAL REVENUE:	49,900.00	1,950.00	9,450.00	40,450.00	18.94%
DIRECT EXPENSES:					
FACILITIES	40,000.00	-	16,750.00	23,250.00	41.88%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	-	1,400.00	0.00%
BANK FEES	560.00	50.00	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,083.91	416.09	72.26%
MARKETING EXPENSE	600.00	46.20	125.06	474.94	20.84%
STAFF TRAVEL/PARKING	2,300.00	-	253.40	2,046.60	11.02%
TOTAL DIRECT EXPENSES:	46,860.00	96.20	18,382.44	28,477.56	39.23%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	-
TOTAL ALL EXPENSES:	46,860.00	96.20	18,382.44	28,477.56	39.23%
NET INCOME (LOSS):	3,040.00	1,853.80	(8,932.44)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	401,223.75	401,223.75	83,156.25	82.83%
SEMINAR PROFIT SHARE	78,934.45	-	2,227.94	76,706.51	2.82%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	1,263.13	2,736.87	31.58%
OTHER	44,525.00	(80.00)	17,511.00	27,014.00	39.33%
TOTAL REVENUE:	613,210.45	401,143.75	422,225.82	190,984.63	68.85%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	14,784.23	93,148.07	491,831.93	15.92%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	264,750.00	264,750.00	53,632.50	83.15%
TOTAL DIRECT EXPENSES:	903,362.50	279,534.23	357,898.07	545,464.43	39.62%
NET INCOME (LOSS):	(290,152.05)	121,609.52	64,327.75		

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INDIRECT EXPENSES:					
SALARIES	11,337,279.00	945,558.76	3,746,996.00	7,590,283.00	33.05%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	11,122.07	47,373.26	48,436.74	49.45%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(10,114.56)	(44,672.64)	(149,327.36)	23.03%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	1,200.00	3,600.00	25.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	270.39	1,739.61	13.45%
FICA (EMPLOYER PORTION)	853,600.00	71,612.55	272,643.43	580,956.57	31.94%
L&I INSURANCE	47,000.00	-	9,268.29	37,731.71	19.72%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	126,220.52	479,624.49	965,375.51	33.19%
RETIREMENT (EMPLOYER PORTION)	1,424,000.00	114,934.08	458,961.42	965,038.58	32.23%
TRANSPORTATION ALLOWANCE	118,500.00	342.19	108,877.39	9,622.61	91.88%
UNEMPLOYMENT INSURANCE	108,000.00	9,132.19	17,369.22	90,630.78	16.08%
STAFF DEVELOPMENT-GENERAL	6,910.00	-	-	6,910.00	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,128,909.00	1,268,807.80	5,097,911.25	10,030,997.75	33.70%
WORKPLACE BENEFITS	39,000.00	(1,551.81)	10,497.99	28,502.01	26.92%
HUMAN RESOURCES POOLED EXP	120,076.00	4,421.07	44,003.99	76,072.01	36.65%
MEETING SUPPORT EXPENSES	10,000.00	475.47	3,055.25	6,944.75	30.55%
RENT	1,750,000.00	149,031.62	580,836.98	1,169,163.02	33.19%
PERSONAL PROP TAXES-WSBA	11,000.00	-	2,103.25	8,896.75	19.12%
FURNITURE, MAINT, LH IMP	35,200.00	333.60	1,215.35	33,984.65	3.45%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	3,379.62	15,450.13	30,549.87	33.59%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,287.00	13,148.00	37,852.00	25.78%
COMPUTER HARDWARE DEPRECIATION	57,000.00	3,294.00	14,921.74	42,078.26	26.18%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	1,826.00	13,167.00	140,833.00	8.55%
INSURANCE	140,000.00	11,514.77	46,059.08	93,940.92	32.90%
PROFESSIONAL FEES-AUDIT	35,000.00	-	28,154.80	6,845.20	80.44%
PROFESSIONAL FEES-LEGAL	50,000.00	3,527.00	28,807.50	21,192.50	57.62%
TELEPHONE & INTERNET	49,000.00	3,389.65	13,922.40	35,077.60	28.41%
POSTAGE - GENERAL	42,000.00	2,077.28	9,268.57	32,731.43	22.07%
RECORDS STORAGE	40,000.00	2,226.57	11,552.30	28,447.70	28.88%
STAFF TRAINING	92,200.00	6,439.91	14,748.62	77,451.38	16.00%
BANK FEES	35,400.00	5,202.47	14,375.65	21,024.35	40.61%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	(1,381.51)	2,748.06	22,251.94	10.99%
COMPUTER POOLED EXPENSES	645,660.00	18,703.39	146,587.46	499,072.54	22.70%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	216,196.10	1,014,624.12	2,412,911.88	29.60%
TOTAL INDIRECT EXPENSES:	18,556,445.00	1,485,003.90	6,112,535.37		

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2018 to January 31, 2018
33.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,160,721.62	4,503,470.08	10,564,654.92
ACCESS TO JUSTICE	(305,327.00)	(22,337.07)	(93,151.59)	(212,175.41)
ADMINISTRATION	(995,999.00)	(78,921.42)	(310,746.85)	(685,252.15)
ADMISSIONS/BAR EXAM	157,962.00	(15,917.18)	135,484.85	22,477.15
BOARD OF GOVERNORS	(802,546.00)	(90,125.59)	(262,647.43)	(539,898.57)
COMMUNICATIONS	(591,780.00)	(41,940.23)	(192,812.34)	(398,967.66)
CONFERENCE & BROADCAST SERVICES	(738,960.00)	(60,288.68)	(244,991.02)	(493,968.98)
DISCIPLINE	(5,637,455.00)	(435,526.81)	(1,795,741.50)	(3,841,713.50)
DIVERSITY	(342,259.00)	(32,083.04)	(39,716.30)	(302,542.70)
FOUNDATION	(164,730.00)	(12,003.74)	(50,932.46)	(113,797.54)
HUMAN RESOURCES	(269,931.00)	(29,666.75)	(125,485.82)	(144,445.18)
LAP	(123,105.00)	(9,377.58)	(37,954.21)	(85,150.79)
LEGISLATIVE	(151,840.00)	(5,487.94)	(26,756.73)	(125,083.27)
LICENSING AND MEMBERSHIP	(412,445.00)	(14,018.54)	(105,285.86)	(307,159.14)
LIMITED LICENSE LEGAL TECHNICIAN	(254,748.00)	(18,957.98)	(78,053.33)	(176,694.67)
LIMITED PRACTICE OFFICERS	(159,182.00)	(13,049.54)	(51,849.44)	(107,332.56)
MANDATORY CLE ADMINISTRATION	(16,340.00)	40,420.82	43,063.67	(59,403.67)
MEMBER BENEFITS	(166,530.00)	1,429.49	(36,436.38)	(130,093.62)
MENTORSHIP PROGRAM	(115,842.00)	(6,615.35)	(32,943.63)	(82,898.37)
NEW MEMBER PROGRAM	(244,663.00)	(11,911.29)	9,239.80	(253,902.80)
NW LAWYER	(122,955.00)	(14,674.29)	13,390.46	(136,345.46)
OFFICE OF GENERAL COUNSEL	(795,748.00)	(65,502.14)	(263,268.24)	(532,479.76)
OGC-DISCIPLINARY BOARD	(303,963.00)	(23,208.45)	(91,890.11)	(212,072.89)
OUTREACH & ENGAGEMENT	(385,421.00)	(23,844.17)	(101,813.53)	(283,607.47)
PRACTICE OF LAW BOARD	(111,234.00)	(10,317.37)	(38,356.26)	(72,877.74)
PRACTICE MANAGEMENT ASSISTANCE	(196,569.00)	(13,900.09)	(56,061.91)	(140,507.09)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,096.00)	(21,237.13)	(89,906.52)	(194,189.48)
PUBLICATION & DESIGN SERVICES	(156,000.00)	(12,731.83)	(55,332.96)	(100,667.04)
PUBLIC SERVICE PROGRAMS	(344,548.00)	(72,726.92)	(26,552.00)	(317,996.00)
LAW CLERK PROGRAM	(617.00)	45,577.99	43,646.49	(44,263.49)
SECTIONS ADMINISTRATION	(164,903.00)	222,083.68	109,222.40	(274,125.40)
TECHNOLOGY	(1,468,042.00)	(119,811.85)	(506,754.87)	(961,287.13)
CLE - PRODUCTS	737,141.00	28,117.09	503,019.78	234,121.22
CLE - SEMINARS	(574,337.00)	(76,967.75)	(162,321.29)	(412,015.71)
SECTIONS OPERATIONS	(290,152.05)	121,609.52	64,327.75	(354,479.80)
DESKBOOKS	(170,905.00)	(12,800.93)	(64,093.02)	(106,811.98)
CLIENT PROTECTION FUND	426,780.00	541,162.33	810,799.11	(384,019.11)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	1,853.80	(8,932.44)	11,972.44
INDIRECT EXPENSES	(18,556,445.00)	(1,485,003.90)	(6,112,535.37)	(12,443,909.63)
TOTAL OF ALL	19,026,569.05	687,979.21	4,827,659.02	14,198,910.03
NET INCOME (LOSS)	(470,124.05)	797,024.69	1,284,876.35	

**Washington State Bar Association
Analysis of Cash Investments
As of January 31, 2018**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	
Total		\$ 4,742,477

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.44%	\$ 6,532,055
UBS Financial Money Market	1.46%	\$ 543,685
Morgan Stanley Money Market	1.21%	\$ 25,861
Merrill Lynch Money Market	1.30%	\$ 1,890,007
Long Term Investments	Varies	\$ 3,256,878
Short Term Investments	Varies	\$ 1,250,000
General Fund Total		<u>\$ 18,240,962</u>

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.44%	\$ 2,251,994
Morgan Stanley Money Market	1.04%	\$ 103,112
Wells Fargo Investments	Varies	\$ -
Lawyers' Fund for Client Protection Total		<u>\$ 2,355,105</u>

Grand Total Cash & Investments	<u>\$ 20,596,068</u>
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**Washington State Bar Association
Analysis of Cash Investments
As of January 31, 2018**

Long Term Investments- General Fund

UBS Financial Long Term Investments
Nuveen 3-7 year Municipal Bond Portfolio

Value as of 1/31/2018
\$ 302,995.08

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 1/31/2018
\$ 781,056.61
\$ 1,092,879.19
\$ 1,079,946.86
\$ 2,953,882.66

Total Long Term Investments- General Fund 3,256,877.74

Short Term Investments- General Fund

Bank

Bank of India NY
Goldman Sachs
BMO Harris Bank
Bank of Baroda
BNY Mellon

<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
1.25%	1.25%	90 Days	2/28/2018	250,000.00
1.40%	1.40%	180 Days	5/29/2018	250,000.00
1.45%	1.45%	90 Days	4/30/2018	250,000.00
1.60%	1.60%	180 Days	7/31/2018	250,000.00
1.65%	1.65%	270 Days	10/30/2018	250,000.00

Total Short Term Investments- General Fund 1,250,000.00

Client Protection Fund

Bank

<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
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Total CPF -

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Ann Holmes, Chief Operations Officer
Mark Hayes, Controller
Maggie Yu, Senior Accounting and Financial Systems Manager

Re: Investment Update as of February 28, 2018 and March 31, 2018

Date: April 6, 2018

The last update on the investment portfolio showed a total value of \$3,259,476 as of January 31st. The portfolio value of \$3,246,531 as of February 28st represents a \$12,945 reduction from the prior month. The portfolio balance of \$3,256,597 as of March 31st represents a \$10,066 increase from February.

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 March 31st we have an aggregate gain across all funds of \$228,582 since first creating an investment portfolio with an actual percentage gain of 6.67%. The breakdown by fund is as follows:

INVESTMENT FUND	1/31/18 Value	2/28/18 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	\$305,593	\$304,788	\$10,503	N/A	\$4,788	.96% ¹
Lord Abbett & Company Short Term Duration Income Fund	\$781,057	\$779,708	\$25,161	\$217,704 ²	\$151,693 ³	10.62%
Guggenheim Total Return Bond Fund	\$1,092,879 ⁴	\$1,086,615	\$25,062	N/A	\$36,615	5.63%
Virtus Multi-Sector Short Term Bond Fund	\$1,079,947 ⁴	\$1,075,420	\$11,275	N/A	\$25,420	3.91%
Total	\$3,259,476	\$3,246,531	\$72,001	\$217,704	\$218,516⁵	7.41%

INVESTMENT FUND	2/28/18 Value	3/31/18 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	\$304,788	\$306,248	\$9,638	N/A	\$6,248	1.25%
Lord Abbett & Company Short Term Duration Income Fund	\$779,708	\$782,100	\$26,203	\$220,096 ²	\$154,085 ³	10.79%
Guggenheim Total Return Bond Fund	\$1,086,615 ⁴	\$1,092,722	\$29,196	N/A	\$42,722	6.57%
Virtus Multi-Sector Short Term Bond Fund	\$1,075,420 ⁴	\$1,075,527	\$9,846	N/A	\$25,527	3.93%
Total	\$3,246,531	\$3,256,597	\$74,883	\$220,096	\$228,582⁵	6.67%

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
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 XX

1. AGENDA XX

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approval of May 17-18, 2018, Executive Session Minutes **(action)** E-xx
- b. President's and Executive Director's Reports
- c. BOG Election Interview Time Limits **(action)** E-xx
- d. Discipline Report (written only) E-xx
- e. Litigation Report – Sean Davis E-xx
- f. Meeting Evaluation Summary E-xx

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

1:00 P.M. – PUBLIC SESSION

- Introductions and Welcome
- Report on Executive Session
- President's Report & Executive Director's Reports
- Consideration of Consent Calendar^{*}

MEMBER AND PUBLIC COMMENTS

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

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

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

- a. Selection of 2018-2019 WSBA Treasurer **(action)** XX
- b. Draft WSBA FY2019 Budget – Treasurer Kim Risenmay, Budget and Audit Committee Chair; Ann Holmes, Chief Operations Officer; and Tiffany Lynch, Associate Director of Finance **(first reading)** XX
- c. Budget and Audit Committee Recommendations – Treasurer Kim Risenmay, and Ann Holmes, Chief Operations Officer **(action)** XX
 - 1. Continuing Legal Education (CLE) Revenue Sharing Model
 - 2. Mandatory Continuing Legal Education (MCLE) Fee Structure
 - 3. Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment

SATURDAY, JULY 28, 2018

8:00 A.M. – EXECUTIVE SESSION (tentative)

9:00 A.M. – PUBLIC SESSION

OPERATIONAL (continued)

5. FIRST READING/ACTION CALENDAR (continued)

- f. Proposed Member Engagement Work Group – Governor Kim Hunter and Sara Niegowski, Chief Communications and Outreach Officer **(action)** XX
- g. Continued Discussion of Referendum Process Review Work Group Recommendations – Governor Kim Risenmay, Chair, and Sean Davis, General Counsel XX
- h. Support American Bar Association Resolution re Legal Financial Obligations – Jaime Hawk, WSBA Delegate to the ABA **(action)** XX
- i. Appoint Chairs and Vice-Chairs to WSBA Committees and Boards **(action)** XX
- j. WSBA Mission Performance and Review Committee Update and Recommendations **(action)** XX

GOVERNOR ROUNDTABLE

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

OPERATIONAL (continued)

- 7. CONSENT CALENDAR XX
 - a. May 17-18, 2018, Public Session Minutes XX

8. <u>INFORMATION</u>	
a. Executive Director’s Report	XX
b. Activity Reports.....	XX
c. Legislative Report.....	XX
d. FY2018 Third Quarter Management Report.....	XX
e. Demographics of WSBA Committee Applicants	XX
f. Court Rules and Procedures Committee Report	XX
g. Access to Justice Board Report	XX
h. ABA 2018 Annual Meeting Summary of Resolutions	XX
i. Diversity and Inclusion Events	XX
j. Financial Statements	
9. <u>PREVIEW OF SEPTEMBER 27-28, 2018, MEETING</u>	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:

- ATJ Board Report
- 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:

- 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
Proposed Member Engagement Work Group	May 17-18, 2018	July 27-28, 2018
Support ABA Resolution re Legal Financial Obligations	May 17-18, 2018	July 27-28, 2018
Continuing Legal Education (CLE) Revenue Sharing Model	May 17-18, 2018	July 27-28, 2018
Mandatory Continuing Legal Education (MCLE) Fee Structure	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