

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

Board of Governors November Meeting Update

A summary of the Board of Governors meeting Nov. 16, 2018, in the WSBA Conference Center in Seattle

Top Takeaways

1. In September, the Washington Supreme Court announced it would undertake a “[comprehensive review of the structure of the bar](#)” in light of recent case law with First Amendment and antitrust implications for bar associations. The Court followed up in November with a charter for a 10-member work-group to review WSBA’s structure and make a recommendation back to the Court in six to eight months. At its meeting, the board selected its three representatives: Dan Clark, Kyle Sciuchetti, and Paul Swegle. The Court will select the other representatives, comprising three section representatives, three representatives from Court-appointed boards administered by WSBA, and one public member. [Application instructions, background information, resources, and FAQs about the work group are online.](#) When meetings begin in January, they will be open to the public and webcast.
2. **Mandatory Malpractice Insurance Task Force:** The board extended the task force’s charter through March 2019, when the final report will come before the board. Task-force members said in [an interim report](#) in July they are likely to recommend malpractice insurance as a condition of licensing for all lawyers. The deadline for member feedback to the task force is Dec. 1 (email insurancetaskforce@wsba.org).
3. **Fastcase coming soon as a member benefit.** The board decided to add Fastcase as a second free legal research tool (in addition to Casemaker) for members; we expect it will take several months for implementation. We will evaluate on an ongoing basis how both tools are used by and benefit members. Members have indicated that WSBA’s free legal research tool is essential to providing pro bono services and, for solo/small-practice firms, successfully serving clients. Adding Fastcase will provide members another robust research option.

Meeting Recap

- **Council on Public Defense.** The board approved the Council on Public Defense’s position to support the Washington State Office of Public Defense (OPD) budget request; the funding provides contracts for attorneys to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings. OPD is a core member of the Council, and support of the OPD budget aligns with the Council’s chartered responsibility to “... address current issues relating to the provision of constitutional public defense services in Washington, including efforts to ensure adequate support.”
- **Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings.** The Council on Public Defense asked the board to approve adding a section regarding civil commitment proceedings to the Standards for Indigent Defense, adding the Standards to the Mental Proceedings Rules (MPR), and requiring that appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance. ([More](#)

[information, page 52.](#)) The board will vote in January whether to recommend these changes to the Washington Supreme Court. Members with questions or comments should contact bonnies@wsba.org.

- **Washington State Bar Foundation annual report.** Foundation President Ken Masters presented the Foundation's annual report and treasurer's report. Governors approved the appointment of Tracy Flood to the Board of Trustees ([more information](#)). Foundation highlights from last year: 3,942 Washington lawyers (10 percent) made a voluntary contribution to the Foundation on their license forms and the Foundation awarded \$275,000 to WSBA to support public service and diversity programs (representing a 37 percent increase). The Foundation mission's is to provide financial support for WSBA programs that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. The Foundation is separately incorporated as a Washington state nonprofit.
- **Legislative priorities.** The board approved the 2019 WSBA Legislative priorities for the upcoming session, with the overall mission of supporting improvements to the practice of law and administration of justice that ultimately benefit the public and legal professionals ([more information](#)). The board also approved WSBA's support of proposed legislation (from Business Law's Corporate Act Revision Committee) to amend provisions of the Washington Business Corporation Act regarding preemptive rights, cumulative voting, and approval of asset sales to align with the Model Business Corporation act.
- **No Retaliation Policy.** The Personnel Committee gave an interim report and asked for more time to work on this policy; board members were invited to provide input to the committee.
- **The Journey Award.** President Bill Pickett honored Governors Dan Clark and Jean Kang for their exceptional service that began when they stepped in to fulfill partial terms and continues now with their full terms on the Board of Governors. "Your extended service bridged a leadership need to help this organization move forward seamlessly," President Pickett said.

The agenda and materials from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is Jan. 17-18 in Seattle. The Board of Governors is WSBA's governing body charged with determining general policies of the Bar and approving its annual budget.