

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

Board of Governors March 2019 Meeting Update

A summary of the Board of Governors meeting March 7, 2019, in Olympia.

Top Takeaways

1. **Bill to repeal the State Bar Act.** [Substitute House Bill 1788](#) just passed out of the House. The proposed bill's biggest change is to strike the majority of the State Bar Act by recognizing the authority of the Court: "The Legislature recognizes the inherent plenary authority of the Washington Supreme Court to regulate court-related functions, including the practice of law and administration of justice." Amendatory language is being proposed to ensure the WSBA's continued existence in the event the bill passes. **Board members have been closely tracking the bill and will hold a [special meeting at 2 p.m. Tuesday, March 12](#), to discuss taking a stance or issuing a statement (call in: 866-577-9294, access code 52810#).**
2. 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 mandatory bar associations. In November, the Court chartered a 10-member work-group to review WSBA's structure. The Court recently announced the final roster and its intent to begin meetings very soon. More information, including meeting dates when available, is [online](#).
3. **Mandatory Malpractice Insurance Task Force:** The Task Force [presented its report](#), which recommends malpractice insurance as a requirement of licensing for lawyers, with certain exemptions. "...We have concluded that this is fundamentally an access-to-justice issue for clients, and a matter of fiduciary responsibility for lawyers," Task Force Chair Hugh Spitzer said. Several members voiced and received responses to their concerns about the expense, potentially disincentivizing pro-bono work, over-reach of such a regulation, and whether a problem exists at all. The board decided to hold a special meeting that will be webcast to hear from members before any final decision. Look for more information when that meeting is scheduled. ([Video](#))
4. **VOTE!** Members in Districts 9 and 10 will receive electronic ballots on March 15 (due April 1) to vote for their next WSBA Board of Governors representative. We are still seeking applicants for the WSBA President-Elect, Diversity At-Large Governor, and District 1 Governor. [More information](#).

Meeting Recap

- **Honoring Chief Justice Mary Fairhurst.** The board unanimously passed a resolution honoring the Chief “for her distinguished lifetime career of achievements that have improved access to justice, gender equality and equity and inclusion in the legal community, and public-oriented innovation in delivery of legal services in the State of Washington.” Many thanks to this legal champion! ([Read the resolution on page 209.](#)) ([Video](#))
- **Support of Diversity Committee Statement of Solidarity.** The board approved a statement of solidarity, drafted by the WSBA Diversity Committee ([available on page 190](#)), to support specialty-bar association leaders in Oregon; these leaders have received threats, including of physical harm, after issuing a statement against the rise of white nationalism and violence. The statement reads, in part: “We ... support the right of Minority (Specialty) leaders and members of their legal communities here and in other states to represent the position of their constituents without fear of reprisal in the form of intimidation, harassment, and threats of harm. We can do no less to ensure the unfettered practice of law and the administration of justice equitably and inclusively for all persons.” WSBA will now share the statement with members and minority and specialty bar associations in Washington and Oregon.
- **Executive Director’s term.** After hearing from a number of WSBA employees and members, board members voted down a motion to extend Executive Director Paula Littlewood’s departure until the end of the [Washington Supreme Court’s Bar Structure Work Group](#). Because governors reconsidered whether their original vote in January to terminate Ms. Littlewood was improperly done in executive session, they voted in public to reaffirm their decision to terminate effective March 31, 2019. ([Video](#), see public comments)
- **No Retaliation Policy.** In the wake of the Board’s adoption of a no-retaliation policy in January ([more information on page 154](#)), WSBA employees asked the board to have a more comprehensive anti-harassment/no-retaliation policy with clearly defined accountability processes and procedures for managing conflicts of interest that is specific to board-member and volunteer behavior. The board asked its Personnel Committee to keep working on the policy and come back with a recommendation. ([Video](#))
- **Treasurer position, pending litigation, and an investigation.** In January, governors voted that Governor Dan Bridges would not perform WSBA treasurer duties until current litigation matters related to him are resolved. After reviewing bylaws, the majority of the governors voted that this action was not within the authority of the board; board members decided they can only remove then replace an officer (with a 75 percent vote), not “suspend” an officer. The vote declared January’s action to be void, so Mr. Bridges is treasurer. The board then

voted to exclude Mr. Bridges from any discussion or action related to litigation matters he is involved in moving forward and to conduct an investigation into Mr. Bridges' retaliation claims. ([Video](#))

The agenda, materials, and video recording from this Board of Governors meeting, as well as past meetings, are [online](#). The next regular meeting is May 16-17 in Yakima. The Board of Governors is WSBA's governing body charged with determining general policies of the bar and approving its annual budget.

For more information email questions@wsba.org.