

Editorial Advisory Committee Meeting

10 a.m.–2 p.m.

April 18, 2018

(annual planning meeting)

Attending in-person: Renee McFarland, Chris Campbell, Aubrie Hicks, Sophia Byrd-McSherry, Daniel Himebaugh, Michael Cherry, Ralph Flick

Absent: Dan Bridges, Christopher Graves, James Hietela, Stephen Jackson, Ruby Aliment, Marla Fox, Bridget Schuster, Joan Miller

WSBA staff: Margaret Morgan, Sara Niegowski, Terri Sharp, Emily White, Colin Rigley

1. Welcome & Importance of EAC

Sara Niegowski gives overview of committee and thanks group.

2. Brief History of *NWLawyer*

Margaret Morgan goes over history of *NWLawyer*: the first *Bar News* came out in 1947. The year 2013 saw the first issue with name change to *NWLawyer*. The name change was to focus more on the membership. Older issues had longer stories (4,000-word pieces, compared with current average 1,500-2,000 words). Change was to have shorter, more human interest pieces. Magazine was 12 issues per year until after the 2012 referendum, when it went to 9.

3. Editorial and Production Processes

Emily White notes that the lawyers who are writing for the magazine – the legal experts – are excited to be in the magazine and there's benefit to them for being in it.

Editorial process starts when a member submits a piece for publication or pitches a story idea. Or EAC members solicit an author that they believe would be a good fit, based on practice area and experience, to write a particular piece. Editor gives author deadline and slots the piece in the editorial calendar for a particular issue. Sometimes several pieces around a particular theme show up – great when it happens but hard to manage, generally, with volunteer writers who are busy practicing lawyers.

Next the piece goes through redline editing. The editor manages all the headlines, pull quotes, and works with graphic designers on the presentation. Restructures if there's a buried lead or repetitive content. Then goes through fact-checking. Because I'm not a lawyer I do run things by Senior Legal Editor Margaret Morgan first for feedback.

Graphic Designer Terri Sharp notes that she reads articles with a different idea altogether – is looking for a visual hook. Sometimes the concepts are pretty esoteric. It can get kind of tricky to find visual depictions. Ideal workflow is to get images from the writer. Image resolution is a problem: What kind of photos will actually work for print? (Hands out a chart with specifications for quality images that will reproduce well in print.)

Putting together the puzzle that is the magazine involves laying out editorial content and ads. Need to meet editorial/ad ratio in order to mail magazine at cheaper publication rate.

Discussion followed about the online version of the magazine. Morgan advised that research is underway on updating the current online platform. Some members don't even like reading email from the bar, so not likely to read an online-only version of *NWLawyer*. (We do get occasional requests from members to stop sending the print version.) Sometimes online-only is less preferred by advertisers. For now, we've created a supplemental online-only letters page. Because the content has been provocative and strong we're creating an online forum because can't get all the letters to the editor we receive into the print magazine.

Producing the magazine is not currently cost-neutral, but a new ad company came on board in Jan. 2018 and the hope is to increase ad revenue to defray the costs of printing and mailing the magazine.

Several EAC members said they preferred the print version of the magazine. "Print is a visual cue. I get it in the mail and I go oh yeah, there's always stuff in there for me to look at. More likely to delete email reminders."

Niegowski noted that email and electronic messaging is just so maximized right now. From a communications perspective, the magazine feels like at least it's something different. Not being filtered by a junk mail, and not just another thing that's on your screen.

Discussion followed about the challenges of recruiting members to write for the magazine, and whether there was a perception among persons with more conservative views, who were put off by some of the President's Corner columns, that their articles would not be accepted.

Brings up the difference between an opinion piece and presentation of facts. If looking at journalistic piece then there's going to be some editing. But as a perspective piece, doesn't mean it's right or wrong. Maybe it's setting up the expectation with the author about the type of piece it is and the type of screening that goes through.

Need to work on getting more voices that are not being heard into the magazine. If there's a sense that the magazine wouldn't even be open to considering certain points of view, then we need to work on that. Need to show editorial balance.

Might be helpful to let people know that anyone can submit an article. Maybe we do a feature article about writing for *NWLawyer*, who the EAC is and what its role is. Let the membership see the committee and how diverse the opinions/backgrounds are. Goal is to dig past the rhetoric and build dialogues.

4. "Walk around" to Review Last Two Years of Issues

The EAC members reviewed the last two years of issues as preparation for talking about where the magazine should go in future issues.

5. Review March 2018 and April/May 2018 Issues

More in-depth review of the most recent two issues followed. Favorable comments on the Q&A with Alaska Airlines Group in-house counsel and the cover focus on dispatches from the world of in-house counsel generally; article about historical displays, especially because it highlighted something in Eastern Washington; article about courtroom interpreters (fortuitous timing since the state interpreter commission is looking for funding to look at local interpreters for the courts); Alzheimer's piece.

Some critique about the need to layout the magazine to differentiate more clearly between editorial and ad content.

6. Future of NWLawyer

Discussion generally about the role of the magazine in both advising members about things that are in process with the WSBA and its Board of Governors and also a forum to share information of interest to members.

"I look at it as doing both. I look at it as providing me with information about what the bar is doing. Also a 'paper CLE.'"

"I want to learn something from each piece."

"I read it to learn things. . . . I like to learn from other lawyers in Washington. Probably a lot of members who read it are more interested in that content than reading about what the board did every month.

"My litmus test is usually, if I don't practice in this area, am I still going to find it interesting?"

"If we're going to go through the effort to print this thing 9 times a year it should be really unique and interesting."

"I'm interested in storytelling and human interest. The advantage we have is to come up with stories that are evergreen and human interest and real stories."

"In the last five years I think this profession has been undergoing a colossal change, shifting from large firms to small firms. Would like this magazine to be helping our readers understand the shift."

"The things I find most interesting are the ones that have a little bit of interests for a variety of people. Likes picking things up that are still interesting months down the line."

"Comes back to the idea of learning, if we think the mission is somewhat educational, those are things that are unique and aren't easily copied."

"The magazine is one piece of the overall communications. If trying to do everything for everybody then it loses its identity at some point."

“The design aesthetic communicates that it’s very much about features.”

7. Working lunch: review, flesh out & prioritize pitches in small groups; share small group work with larger group

GROUP 1

Pitch 1: Older lawyers a valuable resource or getting in the way?

A valuable topic, but tricky to write about without offending people – would require humor.

Pitch 2: Quantifying bar benefits

Agreed this was a potentially fruitful idea

Pitch 3: Compliance and privacy issues

We have a writer interested in talking about this, but group thought needed a little more info before could decide if this was useful.

Additional story ideas

- Timeline of the amendment process to the RPCs governing lawyer advertising. The old rules still read like we buy bus bench and yellow page ads—that’s how far behind they are. Is this just in Washington, or is it happening nationally/in other states?
- Eastern Washington issues – e.g., eastern WA produces things that are sold all over the world: find an Eastern Washington lawyer who works in international trade.
- Homelessness: timely, appropriate, interesting
- Profiles of judges who are famous characters (retired judges might be better so lawyer writers wouldn’t worry about saying something about active judge)
- Law school issues: Are law students reading NWLawyer? Alternative models of law school?
- Legal writing tips and tricks. Identify authorities (e.g., judges) who could give quick snippets of feedback for things they think makes a good brief.
- Military law and PTSD

GROUP 2

Pitch 1: Guide to unconventional methods of lawyer advertising

Good idea looking at how lawyers can promote themselves and differentiate themselves from the competition and not violate RPCs or commit malpractice.

Pitch 2: Artificial Intelligence and the law

A good and timely pitch. If not in the tech industry, most lawyers don’t have a sense for what’s going on.

Pitch 3: Legal research

A great idea—give tips and tricks for how you can save money in searches, using other resources out there like Google Scholar.

Additional story ideas

- **Prosecutors' perspective:** Fick might know some prosecutors who would be willing to write. Cherry says Craig Sims is a former prosecutor who might be willing to write.
- **Proposal/movement to have civil public defenders or assigned civil representation:** Would be really fascinating to hear about. Would be very good for us to get ahead of this or start talking about before it becomes a bigger deal.
- **Public records act:** For cities/municipalities, etc. the public records act is a monster. Responding to requests takes a lot of time, research, and bandwidth. Highlight issues that impact PRAs on a daily basis.
- **Transportation law and safety:** The new push to even out the gas tax, which has impacts on privacy issues and AI.
- **Anecdotal stories of failure and lessons learned:** But don't know if people will contribute stories about failing. Maybe allow them to submit anonymously.
- **Privacy:** In light of the Facebook explosion. European rules are coming into effect in May. Facebook has said they're going to follow European rules. Comparing European rules to FTC rules. Flick has already reached out to a great person to write the privacy piece.
- **Next generation of law students/lawyers:** Questions college students ask about law school and a career in law. How would *NWLawyer* readers answer them?
- **Limited License Legal Technicians:** Some members don't know who the technicians are. Put a face to the role so the lawyers know who they are.
- **Police de-escalation initiative:** Tied up in litigation over whether legislature incorrectly passed it into law. Initiative that came to the legislature is not the initiative that was adopted. Trial court will likely make a decision very soon, so there may be a decision to write about instead of an issue. "I think it has a potential to change election law in Washington in a major, major way, depending on how it's resolved." Cherry knows somebody who is very involved, could ask if they want to write about this.
- **Microsoft Ireland case:** request by gov't for emails of citizen in the E.U., Microsoft had the metadata for that person here in the U.S. and turned it over. U.S. Supreme Court accepted review; oral arguments took place. In the pending bill was an act that made the Supreme Court argument moot. Both gov't and Microsoft made arguments that there was no longer a controversy, Supreme Court threw it all out. Federal government sent out warrants under the new law. Big issue=Extra Territorial Warrants. Maybe a law professor can explain how does this kind of thing happen where we get this far and court doesn't render a decision. Says it's called "the cloud act." It might be interesting to know what the cloud act does. Extra territorial warrants will be a big deal, especially in tech areas, to find out what the bill did.
- **Controversial development agreements in Gig Harbor:** Previous city council was entering into development agreements that went around the code, so new city council came in and said no more development agreements. How are smaller towns dealing with growth in the region?
- **Dog hearing officer:** Did you know that there's a person who is a hearing officer who does nothing other than dog cases? Flick knows him!
- **Student article competition:** Ask for submissions on a certain topic and then pick the best one.

Brainstorm Story Ideas: Top 10 Lists

- Top 10 bad habits of lawyers.
- Top 10 lawyer jokes.

- Top 10 mistakes I made (in first trial/first year of practice)
- Top 10 research hacks
- Top 10 cases on the Supreme Court docket that could affect Washington state. [From SCOTUS blog] Could do Top 5 cases to go a little more in-depth.
- Top 10 annoying things lawyers do that they think are really endearing. (Ask members to invite their significant others to send in ideas.)

A tongue-in-cheek brief on something really silly (e.g., brief to kid's teacher).

Adjourn 2 p.m.

Upcoming Meeting Dates (noon to 1 p.m.):

June 13; July 18, Aug. 15, Sept. 12, Oct. 17