

MINUTES

Public Session **Washington State Bar Association** **BOARD OF GOVERNORS**

La Conner, WA
December 8 – 9, 2006

The Public Session of the Board of Governors of the Washington State Bar Association was called to order by President Ellen Conedera Dial at 9:00 a.m., on Friday, December 8, 2006; recessed at 3:30 p.m.; and reconvened at 9:05 a.m. on Saturday, December 9, 2006; at the La Conner Country Inn in La Conner, Washington. Governors in attendance were:

Marcine Anderson
Russell M. Aoki
James E. Baker (Friday, 12/08/06 only)
Eron Berg
Liza E. Burke
Anthony L. Butler
Lonnie Davis
Eric C. de los Santos
Peter J. Karademos
Douglas C. Lawrence
Edward F. Shea Jr.
Jason T. Vail
Kristal K. Wiitala

Also in attendance were President-elect Stanley A. Bastian, Immediate Past-President S. Brooke Taylor, Executive Director and Meeting Secretary Jan Michels, and General Counsel Bob Welden. The record shall reflect that Governor Mungia was excused.

LIAISONS, GUESTS AND STAFF IN ATTENDANCE:

James Macpherson	WDTL
Steve Toole	WSTLA
J.D. Stahl	Litigation Section
Meredith Wright Hutchins	Government Lawyers Bar Association
Marc Christianson	Family Law Section

Patrick McIntyre	Northwest Justice Project
Cesar Torres	Northwest Justice Project
Michael Rossotto (presenter)	Environmental and Land Use Law Section, Chair
Barbara Dykes (presenter)	Environmental and Land Use Law Section, Immediate Past-Chair
Jennifer Willner (presenter)	CLE Committee, Chair
Klaus Snyder	Legislative Committee
Ronald Knox (presenter)	WSBA Leadership Institute Advisory Board, Chair
Ronald R. Ward (presenter)	WSBA Past-President
Pamela McClaran	Foster, Pepper PLLC
Nick Gellert	Legal Foundation of Washington
Caitlin Davis-Carlson	Legal Foundation of Washington
Judge Linford C. Smith	DMCJA
Joan Tierney	Washington Women Lawyers, President
Kris Costello	Washington Women Lawyers
John Ruhl	King County Bar Association
Aleana W. Harris (presenter)	Legislative Committee
Timothy Burkart (presenter)	Legislative Committee
Mark Beatty (presenter)	Legislative Committee
Michael Stevenson (presenter)	Legislative Committee
C. Kent Carlson (presenter) by phone	Legislative Committee
John Gose (presenter)	Legislative Committee
Scott Greenburg (presenter)	Legislative Committee
Marty Snodgrass (presenter)	Legislative Committee
Peter Greenfield (presenter)	Legislative Committee
Jeff Hall	AOC
Anne Seidel	WSBA Director of Discipline
Jean McElroy	WSBA Director of Regulatory Services
Paula Littlewood	WSBA Deputy Director

Mark O'Halloran	WYLD President-elect
Gail Stone	WSBA Legislative Director
Judy Berrett	WSBA Director, Member and Community Relations
Suzanne Kim	Office of the Executive Director, Secretary
Donna Sato	WSBA Executive Assistant

INTRODUCTIONS

Officers, governors, liaisons, guests, and staff introduced themselves.

APPROVAL OF THE MINUTES FROM THE OCTOBER BOARD MEETING

Governor Lawrence moved to approve the Public Session minutes of October 27, 2006 subject to the addition offered by Governor Karademos; Governor Burke seconded. The motion passed with a vote of 13-0-0.

REPORT ON EXECUTIVE SESSION

President Dial reported that in Executive Session the Board received the Litigation Report, Discipline Docket Report, and a report on the Officers Meeting; approved two recommendations from the Lawyers' Fund for Client Protection Committee; approved a financial authorization from the Executive Director Task Force; received a WSBA staff classification/compensation update; and reviewed the October 27, 2006 meeting evaluation summary.

CONSENT CALENDAR

There being no questions, comments, or concerns on any of the items listed on the consent calendar, the following items were approved by written consent:

- a. Legal Foundation of Washington Trustee Appointment and Term Change;
- b. Washington Pattern Forms Committee Appointment;
- c. Lawyers' Fund for Client Protection Committee Proposed Procedural Rule Change;
- d. Appointment of a Conflicts Review Officer;
- e. Additional WSBA Committee/Board Appointments;
- f. Additional Appointment to the WSBA Bar Examiners Committee; and
- g. Additional Appointment to the MCLE Board.

GOVERNORS' FORUM

Governor Russell M. Aoki

Governor Aoki announced that the Asian Bar Association of Washington is considering bidding to host the National Asian-Pacific Bar Association's annual convention in Seattle, WA in 2008 and that the ABAW may be approaching a number of bar associations, including the WSBA, for support to encourage the NAPBA to choose Seattle.

Governor Jason T. Vail

As the BOG liaison to the Court Rules and Procedures Committee, Governor Vail announced that the Rules of Evidence and Courts of Limited Jurisdiction amendments will be brought before the Board in July, as well as the rules that were carried over from last year. He noted a new Federal Rule of Evidence 502 to which comments are being sought through February 15, 2007 (see memo from Roger Wynne, Chair of the WSBA Court Rules and Procedures Committee, dated November 20, 2006 on page 261 of the meeting materials).

Concerning the feasibility study for a statewide GAAP, Governor Vail reported that there are currently 8 candidates for the independent contractor to conduct the study. Interviews will be scheduled over the next few weeks. The selected provider will conduct a feasibility study for the establishment of a statewide GAAP.

President Ellen Conedera Dial

President Dial provided the following information surrounding RPC Rule 1.15A (Safeguarding Property).

- Justice Johnson has requested that the WSBA not take any immediate action on enforcement since the Supreme Court will take up a further review of the rule in February 2007. The court requests a report from the WSBA prior to February 2007.
- The WSBA has informed the court that the WSBA intends to work with the appropriate sections in addressing section concerns and further, that enforcement of RPC Rule 1.15A will not begin until September 1, 2007.
- WSBA staff Anne Seidel, Doug Ende, and Chris Sutton have met with the Business Law and Real Property, Probate and Trust Sections and unfortunately have not yet come to an agreement.

Governor Lawrence reported, as liaison to the Real Property, Probate and Trust Section, that no one is in favor of the change in the adopted rule, and that Washington is the only state that requires annual reporting of all property held by lawyers.

President Dial announced that this matter will be addressed at the January 11, 2007 Board of Governors meeting in Olympia.

LIAISON'S FORUM

James Macpherson – Washington Defense Trial Lawyers Association

Macpherson encouraged the Board to reach out to the liaisons throughout the state of Washington to urge their participation and attendance at Board meetings.

Meredith Wright-Hutchins – Government Lawyers Bar Association

Wright-Hutchins reported that government lawyers have been historically restrained from pro bono activity via government prohibitions however Attorney General Rob McKenna has demonstrated support of pro bono activities which has had a positive effect. The GLBA looks forward to the BOG luncheon scheduled for January 12 when the Board is in Olympia.

J.D. Stahl – Litigation Section

Stahl requested a status report on the implementation of the Local Rules Task Force and shared his comments about the enlightening dialogues about the proliferation of local rules that occurred at the King County Bench-Bar Conference.

President Dial reported that she is still searching for a chair for the Local Rules Task Force and has a long list of persons interested in serving on the LRTF.

FACILITIES COMMITTEE REPORT – Paula Littlewood, WSBA Deputy Director

Littlewood provided the Board with an update on behalf of the Facilities Committee concerning "The Move." "The Move" is on schedule concurrent with the Board meeting, with a 2:00 p.m. office closure. Littlewood reported that the \$243,000 contingency fund balance is currently at \$108,000 with expenditures totaling \$135,000.

President Dial encouraged Board members to welcome the staff at their new home on Monday, December 11.

ENVIRONMENTAL AND LAND USE LAW (ELUL) SECTION REPORT – Michael Rossotto, Chair and Barbara Dykes, Immediate Past-Chair

President Dial introduced Chair Michael Rossotto, and Immediate Past-Chair Barbara Dykes of the Environmental and Land Use Law Section. Barbara Dykes personally described sections as the force of the Bar and provided an overview of the core functions of the ELUL: (a) production of quarterly CLEs including a free one-hour CLE; (b) host a one day CLE; (c) coordination of a three-day mid-year conference; (d) the section newsletter (voted as being the number one benefit of section membership by section members); and (e) the section website.

Michael Rossotto elaborated on the functions of the section as: (a) interaction with high school students; (b) promote sustainable and environmental consciousness with law offices; (c) pro bono work; (d) outreach to law schools and law students via complimentary membership and grants; (e) provide speakers for job shadow and mentorship programs; (f) collaboration with other sections.

WSBA staff was acknowledged and thanked, however the following concerns were raised: (a) mailing and e-mail delays due to coding issues; (b) website management; (c) Law Day and the level of WSBA involvement; and (d) the CLE Department and its service to the WSBA membership vs. turning a profit.

The Board requested a WSBA discussion paper be drafted describing the WSBA support provided to all sections.

BOG MATTERS

A. CLE Report – Jennifer Willner, Chair and Mark Sideman, WSBA CLE Director

Jennifer Willner, Chair of the CLE Committee described the CLE Committee's goals as being the "program and oversight committee of the CLE Department." Willner acknowledged the Pre-admission Program as an enormous task which included servicing 1,000+ individuals; through ten live as well as online courses; utilizing course books, power-point, and online video; compounded by pushing the target date forward from October to June 1.

Willner reported on the Solo/Small Firm Conference which was produced as a two-day CLE program as a huge success and indeed an effective way to reach out to the solo/small firm

practitioners throughout the state of Washington. The CLE Committee looks forward to another successful conference in 2007 in Ocean Shores, Washington.

Other accomplishments during 2006: (a) support of 42 mini-CLEs; (b) production of four desk books; and (c) 1,139 CLEs produced. The future of CLE includes development of technology, i.e., web faced programming providing online courses; and hosting online legal resource materials.

B. Executive Director Task Force – S. Brooke Taylor, Chair

S. Brooke Taylor, Chair of the Executive Director Task Force introduced the search criteria and timeline contained in the Board book as informational. Taylor announced that the open application period has closed with 57 applications received.

C. Amicus Curiae Brief Request – Right to Court Appointed Counsel in Certain Non Criminal Proceedings – General Counsel Bob Welden

General Counsel Bob Welden introduced the recommendation of the Amicus Brief Committee that an amicus brief be filed in *In re Marriage of King* based on the presentation of issues of substantial interest to the WSBA and to the effectiveness or accessibility of the legal system in certain civil matters. It was further the consensus of the Amicus Brief Committee that the brief not argue a constitutional right to counsel. Attorney Monty Gray has agreed to author the brief if authorized by the Board.

Governor Vail moved, seconded by Governor Anderson that the WSBA authorize the filing of an amicus brief in *In re Marriage of King*. The motion passed with a vote of 13-0-0.

D. Amicus Curiae Brief Request – from the Court of Appeals, Division I

General Counsel Bob Welden introduced a request received from the Court of Appeals, Division I to which a conditional approval is recommended dependent upon the court granting an extension of time until February 2, 2007 within which to file WSBA's amicus brief. The Court of Appeals requests amicus curiae briefs addressing clarification of the law as it relates to limited liability companies and the filing of a certificate of cancellation.

Governor Berg moved, seconded by Governor de los Santos that the WSBA authorize the filing of an amicus brief pursuant to request from the Court of Appeals, Division I; conditioned upon

the court granting an extension of time to file through February 2, 2007. The motion passed with a vote of 13-0-0.

E. Statement of Legal Profession Principles

Executive Director Jan Michels introduced the Statement of Legal Profession Principles as cited by ABA Immediate Past-President Michael Greco in his keynote address at the Access to Justice Conference held in Yakima this past June. Governor Lawrence moved, seconded by Governor Wiitala that the Board adopt the Statement of Legal Profession Principles. The motion passed with a vote of 12-0-1. Governor Butler abstained.

F. Northwest Justice Project Board Appointments

Patrick McIntyre, former Executive Director of the Northwest Justice Project introduced Cesar Torres as the newly named Executive Director. McIntyre explained that NJP's increased size and complexity suggested a bylaw change that permits the expansion of their board size. Hence, the NJP requests that the WSBA designate four instead of two attorney members this year.

Governor Lawrence moved, seconded by Governor Vail that the Board reappoint Roger Wynne and Patrick Oshie to the Northwest Justice Project Board. The motion passed with a vote of 13-0-0.

Governor Davis moved, seconded by Governor de los Santos that the Board appoint Karen Clark to the Northwest Justice Project Board. The motion passed with a vote of 13-0-0.

Governor Karademos moved, seconded by Governor Anderson that the Board appoint Lisa Dickinson to the Northwest Justice Project Board. The motion passed with a vote of 13-0-0.

G. Co-Sponsorship of ABA Model Court Rule Regarding Provision of Legal Services Following Determination of a Major Disaster – Bob Welden, General Counsel

General Counsel Bob Welden introduced this matter to the Board and recommended Board co-sponsorship of the proposed rule which essentially provides a mechanism to enable states to authorize lawyers to practice temporarily in jurisdictions where they are not admitted. The types of services would include: loss of identification, loss of property, loss of legal documents, loss of insurance, insurance claims, and dislocated family members.

Governor Karademos moved, seconded by Governor Shea that the Board approve cosponsoring the ABA Model Court Rule Regarding Provision of Legal Services Following Determination of a Major Disaster. Discussion transpired. The Board expressed interest in knowing how the proposed model rule would work if it were adopted in Washington.

Governor Anderson moved, seconded by Governor de los Santos that the Board table action on this matter until the January Board meeting and that staff develop a possible Washington rule and impact statement for consideration in January. The motion passed by a vote of 9-4-0. Governors Baker, Berg, Karademos, and Shea opposed.

WSBA DIRECTOR'S REPORT – Anne Seidel, Director of Lawyer Discipline

WSBA Director of Lawyer Discipline and Chief Disciplinary Counsel Anne Seidel described the Office of Disciplinary Counsel's driving goals as consistency, fairness, and timeliness. These goals are addressed through a team structure: Intake Team Manager Felice Congalton and three investigation/prosecution teams managed by Team Managers Randy Beitel, Joanne Abelson, and Linda Eide.

Seidel provided statistics for 2005 and 2006 (year to date). Challenges cited during 2006 were (a) the volume of continuances requested by either the respondent or the hearing officer; (b) the recent ABA Review; (c) the new RPCs; and (d) the loss of Joy McLean and Katherine Johnson. Developments during 2006 were (a) increased grievances from judges; (b) lawyer violence; and (c) disability proceedings.

LEGISLATIVE COMMITTEE RECOMMENDATIONS – Klaus Snyder, Chair

Corporate Voting

Legislative Committee Chair Klaus Snyder and WSBA Legislative Director Gail Stone introduced the first recommendation of the Legislative Committee as Corporate Act Revisions to Modified Plurality Voting. Kent Carlson of the Business Law Section's Corporate Act Revision Committee presented by phone.

This bill establishes a default rule for plurality voting and makes other revisions to keep the Washington Business Corporation Act appropriately current with the Model Business

Corporation Act and the Delaware General Corporation Law. The Legislative Committee voted unanimously to recommend sponsorship of this bill.

Governor Karademos moved, seconded by Governor Lawrence that the WSBA sponsor this bill as recommended by the Legislative Committee. Motion passed with a vote of 13-0-0.

Corporate Act Revisions – Substantial Business Transactions

Scott Greenburg of the Business Law Section's Corporate Act Revision Committee presented the CARC proposal which provides for post-acquisition approval of a significant business transaction with an acquiring person, provided it has been approved by the board and a supermajority of disinterested shareholders. The Legislative Committee voted unanimously to recommend sponsorship of this bill.

Governor Lawrence moved, seconded by Governor Karademos that the WSBA sponsor this bill as recommended by the Legislative Committee. Motion passed with a vote of 13-0-0.

Uniform Securities

Mark Beatty of the Business Law Section's Securities Law Committee and Mike Stevenson, Director of the Securities Act Division of the WA State Department of Financial Institutions presented. The Board voted unanimously in 2005 to support this legislation in the 2006 session; and this legislation is returning for a second year. The Legislative Committee voted unanimously to recommend support of this bill.

Mel Sorensen provided comments (via telephone) strongly objecting to one provision of the USA, i.e. the definition of securities which includes variable annuities. Life insurance industry wants variable annuities excluded from the definition and objects to joint regulation by the Insurance Commissioner and Securities Division.

Governor Berg moved, seconded by Governor Lawrence that the WSBA support this bill as recommended by the Legislative Committee. Motion passed by a vote of 12-1-0. Governor Baker opposed.

Trusts & Estates

Tim Burkart of the Real Property, Probate and Trust Section presented this proposed legislation which clarifies the definition of posthumous child and adds a definition of surviving spouse; adopts the revised Uniform Simultaneous Death Act; broadens the application of RCW 11.07.010; codifies a recent court opinion limiting actions to challenge a will; and broadens judicial discretion in awarding attorneys fees in TEDRA actions. The Legislative Committee voted unanimously to recommend sponsorship of this bill.

Governor Lawrence moved, seconded by Governor Berg that the WSBA sponsor this bill as recommended by the Legislative Committee. Motion passed with a vote of 13-0-0.

Public Guardian

Peter Greenfield of the Elder Law Section presented the proposed legislation creating a State Office of Public Guardian. The Legislative Committee voted unanimously to sponsor this legislation.

Governor Vail moved, seconded by Governor Karademos that the WSBA sponsor this bill as recommended by the Legislative Committee. Motion passed with a vote of 13-1-0. Governor Baker opposed.

Deed of Trust

Aleana Harris and John Gose of the Real Property, Probate and Trust Section presented this proposal intending to bring the Washington Deed of Trust Act more in line with the following goals: (a) non-judicial foreclosure process should be efficient and inexpensive; (b) the process should result in interested parties having an adequate opportunity to prevent wrongful foreclosure; and (c) the process should promote the stability of land titles. The Legislative Committee voted unanimously to recommend sponsorship of this bill.

Governor Lawrence moved, seconded by Governor Karademos that the WSBA sponsor this bill as recommended by the Legislative Committee. Motion passed with a vote of 13-0-0.

Homestead

Martin Snodgrass of the Creditor-Debtor Section presented this proposal raising the homestead exemption in Washington from its current level of \$40,000 to \$100,000. The Legislative Committee voted unanimously to recommend sponsorship of this bill.

Governor Anderson moved, seconded by Governor Karademos that the WSBA sponsor a bill that would raise the homestead exemption in the state of Washington from its current level of \$40,000 to \$125,000. The motion passed with a vote of 13-0-0.

Dispute Resolution

No action was recommended at this time since the dispute resolution community was still revising a bill and funding mechanism.

WSBA LEADERSHIP INSTITUTE REPORT – Ronald Knox, Chair and Ronald R. Ward, WSBA Past-President

WSBA Past-President Ronald R. Ward provided the Board with highlights of the background and history of the WSBA Leadership Institute and acknowledged the leadership of Past-President Dave Savage, Immediate Past-President Brooke Taylor, and Executive Director Jan Michels. The WSBA Leadership Institute has received national recognition as recipients of the ABA Partnership Program Award in 2005 and the Lexis Nexis Martindale-Hubbell Fellowship in 2006.

The WLI Advisory Board continues to generate participation in partnership with the WYLD. Ron Knox concluded by presenting a segment of a digital recording entitled "What Would You Do if You Knew You Couldn't Fail" which depicts five Washington leaders discussing their paths to success.

BOG MATTERS (Continued)

H. WSBA Sponsored GEICO Auto Insurance Program

General Counsel Welden related that the WSBA sponsored auto insurance program with GEICO is due to expire on January 15, 2007. He recommended against renewing this sponsorship since obtaining auto insurance was not at risk; GEICO had proven less popular than anticipated; and WSBA had not received any significant benefit from this sponsorship. The Insurance Committee supported Welden's recommendation.

Governor de los Santos moved, seconded by Governor Berg that the WSBA not renew its auto insurance program with GEICO. Motion passed with a vote of 10-2-2. Governors Anderson and Butler abstained. (Governor Baker was excused).

FISCAL MATTERS – Eron Berg, Treasurer

Treasurer Eron Berg reported on the Budget and Audit Committee meeting held on Thursday, December 7. The agenda included the development of an updated Unrestricted and Restricted Fund Balance Policy; report on the move and budget implications of it, update on the classification and compensation study, and review of the 2006 Financial Statements. Berg reported that the Budget and Audit Committee will be presenting an updated Fiscal Responsibility Matrix to the Board in January 2007.

Treasurer Berg requested Board approval of the proposed change to the policy regarding the calculation and allocation of interest for sections as recommended by WSBA's auditors, Peterson Sullivan. Governor Lawrence moved, seconded by Governor Vail that the Board approve the proposed changes to the Interest Earned on Section Carryover Balances by basing calculations on the average of the current preceding fiscal years' section fund balances. Motion passed with a vote of 12-0-0.

Treasurer Berg presented the updated Unrestricted and Restricted Fund Balance Policy for Board approval and highlighted the proposed policy as follows: (a) Lawyers' Fund for Client Protection (restricted funds) unchanged; (b) CLE Fund (Board designated funds) establishes a minimum balance of \$750,000 without Board approval; (c) Section Funds (Board designated funds) unchanged; (d) General Funds: establish an Operating Reserve Fund of \$1.2 million (previously 8%), a Facilities Reserve Fund designated at inception in the amount of \$750,000, a Capital Reserve Fund designated at inception in the amount of \$500,000, a Board Program Reserve Fund designated at inception in the amount of \$250,000, and the Move Fund's current balance of \$1,052,599 will be zero by the end of fiscal year 2007; (e) the balance of net assets (not restricted or designated) shall be the general unrestricted fund balance. Governor Karademos moved, seconded by Governor Anderson that the Board approve the updated Unrestricted and Restricted Fund Balance Policy as recommended by the Budget and Audit Committee. Motion passed with a vote of 12-0-0.

NEW BUSINESS

Governor Lawrence provided an update on the WSBA Discipline Committee. The committee met, reviewed, and identified the ABA recommendations that require further work as well as those that require no further work. The committee will establish five work-groups and return to the Board with a report and recommendations.

WSBA Director of Regulatory Services Jean McElroy provided the Board with an update on the Limited Practice Officer (LPO) Rules. This task of the Limited Practice Board has been ongoing for over a year and the LPO Rules will be before the Board in due course. Of concern to the LPO Board are how funds are held and handled in IOLTA accounts. Many LPOs object to the IOLTA rules and clarifying IOLTA requirements may create considerable controversy. Executive Director Michels commended McElroy for her extensive work in addressing the LPO Rules.

Bob Welden reported that the proposed GR 12.1 (Washington State Bar Association Administration of Supreme Court-Created Boards and Committees) now pending before the Supreme Court was published for comment through November 2006. Based on a possible antitrust concern and the vagueness of the terms "supervising and monitoring" a modification to the proposed GR 12.1 may come before the Board for approval in January. Further, any comment received by the Supreme Court Rules Committee will be accepted prior to their March 2007 meeting.

Governor Lawrence spoke in support of WSBA sponsorship of the TVW series "The Docket." Governor Karademos suggested an e-mail be sent to all sections encouraging section contributions. Governor Lawrence moved, seconded by Governor Wiitala that the Board approve a contribution of \$30,000 to be allocated from the Board Program Reserve Fund in support of The Docket. Motion passed with a vote of 12-0-0.

Governor Anderson announced that the Washington State Bar Foundation will be reaching out to past-presidents and BOG past and present leadership for contributions to the President's Scholarship Fund. The goal for this endowment fund is \$100,000.00.

JUDICIAL ELECTION ISSUES

Legislative Director Gail Stone presented the concept of public funding of appellate campaigns currently being developed by Governor Gregoire as well as legislators, noting that the public

wants a fair and impartial judiciary.

- The Governor's bill will require candidates to meet a threshold to qualify for public funding.
- The availability of rescue funds is another component of the bills being developed.
- Representative Schual-Berke hopes to tie in a requirement that a judge disclose if any party or law firm in a pending case contributes to the judge's campaign (contributions over a certain dollar amount).
- North Carolina's experience with public financing has shown that it has no effect on independent expenditures.

Of interest in 2007:

- Judicial Selection by Commission which requires a constitutional amendment.
- Issue of moving judicial elections to the general election ballot.
- Allow Administrative Law Judges to wear black robes and solemnize marriages which the Board for Judicial Administration is opposed to.

Governor Berg moved, seconded by Governor Davis that the WSBA is in support of public funding of elections to promote a "fair and impartial judiciary" from the State's General Fund. The motion passed with a vote of 11-0-0. (Governor Shea was excused).

Discussion transpired on a proposed statement to the legislators reaffirming the WSBA's support of a "fair and impartial judiciary." Stone suggested that it is important for the Board to recognize the Board for Judicial Administration's position to maintain the election of all levels of the judiciary.

Discussion transpired on what may be viewed as inconsistent, i.e. the WSBA's support of public funding and its further review regarding the selection of judges through the Judicial Selection Task Force.

Governor Berg moved, seconded by Governor Anderson that the Board adopt the following statements:

- The WSBA is committed to a fair and impartial judiciary;
- The WSBA supports public funding of elections to promote a fair and impartial judiciary;
and
- The WSBA will continue to look at options to insure a fair and impartial judiciary.

The motion passed by a vote of 11-0-0.

PRESIDENT'S REPORT

By written report only. President Dial noted the new dates established for the September 2007 Board meeting and events.

PRESIDENT-ELECT'S REPORT

By written report only. President-elect Bastian noted that the proposed Board Meeting Schedule for 2007-2008 will be available at January's Board meeting.

EXECUTIVE DIRECTOR'S REPORT

By written report only.

ADJOURNMENT

There being no further business at hand, the Board of Governors meeting was adjourned at 11:25 a.m. on Saturday, December 9, 2006.

Respectfully submitted,

M. Janice Michels