

MINUTES

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

**Quincy, WA
July 27 – 28, 2007**

The Public Session of the Board of Governors of the Washington State Bar Association was called to order by President Ellen Conedera Dial at 10:00 a.m., recessed at 4:35 p.m. on Friday, July 27, 2008; and reconvened at 9:00 a.m. on Saturday, July 28, 2007 at the Cave B Inn in Quincy, Washington. Governors in attendance were:

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

Also in attendance were President-elect Stanley A. Bastian, Immediate Past-President S. Brooke Taylor, 2007-2008 President-elect Mark Johnson, Governor-elect Geoff Gibbs, Executive Director and Meeting Secretary Paula C. Littlewood, and General Counsel Bob Welden.

LIAISONS, GUESTS AND STAFF IN ATTENDANCE:

Jean Cotton	Family Law Section
Judge Richard Fitterer	DMCJA
Gary Riesen	WAPA

Alan White	Criminal Law practitioner
Joseph Svoboda	Washington State Association of Municipal Attorneys
Daniel Gandara	KCBA
Maureen Hart	Attorney General's Office
Caitlin Davis Carlson	Legal Foundation of WA, Executive Director
Nancy Isserlis	Legal Foundation of WA, Trustee
Anita Paulsen	CPD
Jon Ostlund	CPD Co-Chair
Roger Wynne	Court Rules and Procedures Committee Chair
Dan Young	Pro Bono and Legal Aid Committee Chair
Lee Pence	APR 6 Law Clerk Program Regulations
Rebecca Robertson	Criminal Law Section
Judge Christopher Washington	SCJA
Teresa Chen	Grant County Prosecutor's Office
Douglas Ende	WSBA Assistant General Counsel
Guadalupe Cavazos	Justice Program State Plan Specialist
Joan Fairbanks	Justice Programs Manager
Julie Mass	WSBA Deputy for Finance and Administration
Judy Berrett	WSBA Director of MCR
Gail Stone	WSBA Director of Justice and Diversity Initiatives
Jean McElroy	WSBA Director of Regulatory Services
Randy Beitel	WSBA Interim Chief Disciplinary Counsel
Mark Sideman	WSBA CLE Director
Suzanne Kim	WSBA Intern
Donna Sato	WSBA Executive Assistant

WELCOME AND INTRODUCTIONS

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

APPROVAL OF MINUTES FROM THE JUNE BOARD MEETING

President Dial and Governors Baker, Davis, and Vail offered additions to the minutes. The minutes were adopted as amended.

REPORT ON EXECUTIVE SESSION

President Dial reported that in Executive Session the Board adopted the Executive Session minutes of June 1, 2007; discussed and acted on a Civil Rights Committee issue; discussed and acted on a selection process for the *Bar News* editor position; adopted additional recommendations from the Annual Awards Committee; and, approved a petition for reinstatement through reciprocal admission.

President Dial announced that the Executive Session was recessed and scheduled to reconvene at 8:00 a.m. Saturday morning.

CONSENT CALENDAR

The following items were approved by the circulation of a written consent form:

- a. Bylaw Amendments of the Environmental and Land Use Section;
- b. BOG Conflict of Interest Policy;
- c. Hearing Officer Appointment Recommendations;
- d. WLI Advisory Board Appointments; and
- e. Request for Amicus Brief – Court of Appeals Division 1

GOVERNORS' FORUM

Governor Karademos

Governor Karademos raised concerns regarding the request for disclosure of malpractice insurance coverage on the WSBA website via the Lawyer Directory. Discussion transpired. Governor Butler suggested that a statement that malpractice insurance is discretionary in the State of Washington be posted prior to listing those groups of attorneys who do not carry malpractice insurance, e.g., government lawyers. Governor Karademos emphasized that since malpractice insurance is discretionary in Washington, the WSBA should be precluded from

requesting disclosure as it may discredit solo and small firm practitioners who may not be covered. General Counsel Welden noted that the Supreme Court adopted a rule effective this year requiring this disclosure.

Governor Vail

Governor Vail reported that at the June WYLD Board of Trustees meeting, Alexis Wallace was elected as the first at-large trustee by the Board of Trustees; he further noted that August 10 is the deadline for WYLD Annual Awards nominations.

Governor Aoki

Governor Aoki reported that economic constraints directly impact the minority bar associations and their ability to attend BOG meetings. Governor Aoki suggested that the Board consider establishing a fund to cover the cost for a liaison of the minority bar associations to attend BOG meetings in the amount of approximately \$5,000.

President-elect Bastian noted that Board support of this fund would demonstrate good faith on the part of the WSBA towards the minority bar associations. Governor Anderson reported that the subject of a listserv amongst the BOG and minority bar presidents was raised at a recent meeting with minority bar leadership. Governor Wiitala questioned whether or not the specialty bars would be included. Governor Butler requested a clear definition as to "diversity" issues, further stating that the minority bar associations should not receive special treatment. Immediate Past-President Taylor spoke in response to Governor Butler's statement by reminding the Board of the efforts made in 2005 when the officers sent a special invitation to all the minority bars to attend the BOG meeting in Bremerton and received no response. Treasurer Berg expressed concern over the fiscal impact of a new liaison stipend program without cutting back something else. He suggested that the Diversity Committee make a proposal which includes a funding source. There was a general consensus that the WSBA create a listserv.

President Dial

President Dial reported on a recent discussion she had with the Chair of the Real Property, Probate, and Trust Section, Steve Crossland, concerning RPC Rule 1.15A. In light of this discussion, President Dial is considering the establishment of a task force to address RPC Rule

1.15A to educate members about RPC Rule 1.15A and its impact on clients and families. The RPPT Section has expressed a willingness to take the lead in this effort and looks to the Board for direction. Other sections noted who may have an interest in the project included the Family Law, Elder Law, and Solo and Small Practice sections.

LIAISONS' FORUM

Jean Cotton – Family Law Section

Jean Cotton, Chair of the Family Law Section, announced an upcoming Family Law CLE scheduled for October 12. Cotton requested the Board's consideration of the time and effort made by sections to attend BOG meetings i.e., remote locations add to the inability of section representatives to attend BOG meetings on a regular basis.

Judge Richard Fitterer – District and Municipal Court Judges Association

Judge Fitterer welcomed the Board to Grant County. Judge Fitterer acknowledged the leadership of Governor Lawrence in chairing the Judicial Selection Task Force on which he serves as a member. Judge Fitterer further thanked the Board for the work of the Committee on Public Defense and commended Court Rules and Procedures Committee Chair, Roger Wynne, for his efforts in arriving at a consensus with the DMCJA regarding CrRLJ 4.1 and CrRLJ 4.2.

FISCAL MATTERS – Treasurer Eron Berg

Resolution Authorizing Banking Relationships

Motion made by Governor Mungia, seconded by Governor Lawrence, that the Board approve the Resolution Authorizing Banking Relationships, as circulated. The motion passed unanimously.

Reactivation Investigation Fee

Motion made by Governor de los Santos, seconded by Governor Lawrence, that the Board approve a \$100.00 fee to cover costs in the investigation of a member's application for a change to active status. The motion passed unanimously.

Proposed Change to ELC 13.9

Motion made by Governor Lawrence, seconded by Governor Mungia, that the Board approve an increase in the amount of fees and costs assessed in discipline cases to better reflect the actual

costs incurred (as follows). The proposed change must be submitted to the Supreme Court for approval.

ELC 13.9 COSTS AND EXPENSES

(a) Assessment. The Association's costs and expenses may be assessed as provided in this rule against any respondent lawyer who is ordered sanctioned or admonished.

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(c) Expenses Defined. "Expenses" for the purposes of this rule means a reasonable charge for attorney fees and administrative costs. Expenses assessed under this rule may equal the actual expenses incurred by the Association, but in any case cannot be less than the following amounts:

- (1) for an admonition that is accepted under rule 13.5(a), \$750 \$1,000;
- (2) for a matter that becomes final without review by the Board, \$1,500 \$2,000;
- (3) for a matter that becomes final following Board review, without appeal to the Supreme Court, a total of \$2,000 \$3,000;
- (4) for a matter appealed to the Supreme Court or in which the Court accepts discretionary review but not requiring briefing, a total of \$2,500 \$4,000; and
- (5) for a matter appealed to the Supreme Court or in which the Court accepts discretionary review in which briefing is required, a total of \$3,000 \$5,000.

The motion passed unanimously.

Document Management Copier (CLE Department)

Motion made by Governor Mungia, seconded by Governor Lawrence, that the Board approve the purchase of a new copier for the WSBA production division for the reproduction of CLE coursebooks. The CLE Department will fund this purchase, out of its reserves, which will be included in the FY08 budget. The motion passed unanimously.

Fiscal Year 2008 Budget

Treasurer Berg and Deputy Director of Finance and Administration Julie Mass presented an overview of the FY08 budget. The current draft contains a general fund deficit of \$419,470. The reasons for this include expenses growing at a faster rate than revenues, a fixed 2% license fee growth through FY2009, and the recent increase in rent. Ms. Mass explained that we can no longer rely on large surpluses due to the changing trends and better budgeting process. Treasurer Berg explained that the Board can adopt another deficit budget but must be committed to conducting program reviews in FY08, look at future license fee increases beyond 2%, and continue long-range fiscal planning. An overview of the CLE, LFCP, and section budgets was also presented.

Staffing, salary growth, benefits, and requests not in the FY08 budget were discussed in some detail.

President Dial acknowledged Deputy Director of Finance and Administration Julie Mass and her staff for their excellent work in providing the Board with the tools necessary to make decisions as well as implementing the major changes in reporting that provides transparency to the membership in the area of finances and budgets.

BOG MATTERS

APR 6 Law Clerk Program Regulations – Chair Lee Pence

Lee Pence, chair of the APR 6 Law Clerk Committee, presented for Board approval the proposed amendments to program regulations that were circulated for first reading at the June Board meeting. Highlights of the proposed amendments include: (1) adding Indian Law; (2) adding regulations governing the termination of a law clerk's participation; (3) adding specific authorization to revise the regulations; and (4) adding language that applicants may be referred to the WSBA Character and Fitness Board.

Governor Berg moved, seconded by Governor Anderson, that the Board approve the proposed amendments to the APR 6 Law Clerk Program Regulations.

Governor Berg acknowledged the law clerk program as a great program and thanked Mr. Pence for taking the time to improve its process and the program in general. Governor Anderson acknowledged the Law Clerk Committee as an exceptional committee and noted the high level of commitment on the part of its tutors as well as students.

The motion passed unanimously.

LRAP Advisory Committee Appointment (1)

President Dial reported that two members of the Washington State Bar Foundation's LRAP Committee are nominated by the WSBA. The at-large position term, currently held by Dwight Williams, expires on September 30.

Governor Davis moved, seconded by Governor Lawrence, that the Board nominate Katrina Glogowski; Governor Berg moved, seconded by Governor Lawrence, that the Board nominate Keith Scully; Governor Mungia moved, seconded by Governor Wiitala, that the Board nominate Marie Docter; Governor Vail moved, seconded by Governor Aoki, that the Board nominate Joanna Plichta; Governor Anderson moved, seconded by Governor Burke, that the Board nominate Karen Schweigert; and Governor de los Santos moved, seconded by Governor Baker, that the Board nominate Brian Gruber.

A run-off vote was called between Marie Docter and Brian Gruber. The Board nominated Marie Docter as the at-large member to the Washington State Bar Foundation for the Foundation's consideration and final appointment.

Treasurer Appointment Proposed Bylaw Amendment

President Dial presented the Board with the proposed bylaw amendment, that was circulated for first reading at the June Board meeting, calling for the election of the Treasurer at a regular meeting held not less than one month prior to the annual meeting in September. Dial highlighted the scenarios of past practice that gave rise to the proposed amendment.

Governor Karademos moved, seconded by Governor Mungia, that the Board approve the proposed amendment. Motion passed unanimously. Governor Anderson was not present.

President-elect Bastian nominated Governor Lawrence as WSBA Treasurer 2007-2008 for Board confirmation.

Governor Mungia moved, seconded by Governor Karademos, that the Board confirm Governor Lawrence as WSBA Treasurer 2007-2008. The motion passed unanimously.

Board for Court Education Nomination (1)

The WSBA has one representative serving on the Board for Court Education. The representative is nominated by the Board of Governors and appointed by the Supreme Court.

Governor Anderson moved, seconded by Governor Wiitala, that the Board nominate Robin Zukoski; Governor Lawrence moved, seconded by Governor Mungia, that the Board nominate

Steven Olswang; Governor Baker moved, seconded by Governor de los Santos, that the Board nominate Mark Baumann; and Governor Karademos moved, seconded by Governor Berg, that the Board nominate Mabry De Buys.

A vote was taken and Robin Zukoski was nominated to the Supreme Court for the Court's consideration and final appointment.

Council for Public Legal Education

Executive Director Littlewood addressed Immediate Past-President Taylor's "Foundations of Freedom" initiative and the WSBA's efforts to institutionalize its concept notwithstanding the sunset of his task force. Staff proposes that the Council for Public Legal Education, currently placed under the oversight of the Access to Justice Board, be reclassified as an advisory committee of the BOG under the oversight of the Board of Governors. By consolidating all public legal education efforts under the Board, the Foundations of Freedom Task Force, Public Information and Media Relations Committee, and Law Week will be eliminated from the FY08 budget and additional funds will be allocated for these efforts under the CPLE budget.

Governor Mungia moved, seconded by Governor Butler, that the Council for Public Legal Education be included in the 2008 budget as an advisory committee of the BOG (as outlined in Littlewood's memo to the Board dated July 12, 2007). The motion passed unanimously.

Washington Pattern Jury Instructions

President Dial provided the Board with background concerning ongoing negotiations with West Publishing and the Supreme Court's Pattern Jury Instructions Committee, for a pilot program placing Washington pattern jury instructions on a free, public website operated by West.

The officers are not convinced at this time whether or not having Washington pattern jury instructions placed on a free, public website would be providing a service commensurate with the potential cost. Discussions with the Supreme Court are scheduled and the officers will keep the Board apprised of these discussions.

Commission on Judicial Conduct Alternate Position Appointment (1)

Governor Lawrence moved, seconded by Governor Vail, that the Board appoint Lin-Marie Nacht to an alternate position on the Commission on Judicial Conduct; and Governor de los Santos moved, seconded by Governor Karademos, that the Board appoint Paul Swegle to an alternate position on the Commission on Judicial Conduct.

A vote was taken and Lin-Marie Nacht was appointed as an alternate to the Commission on Judicial Conduct.

APR Rule on Provision of Legal Services Following Determination of a Major Disaster

In light of the Board's action to co-sponsor a report to the ABA House of Delegates in 2006 proposing a Model Court Rule on Provision of Legal Services Following Determination of Major Disaster, which was approved by the House of Delegates in February 2006, General Counsel Welden proposed a new Admission to Practice Rule 27 and an amendment to RPC 5.5, Comment 14, for submission to the Supreme Court for adoption.

The proposed rule would provide that if the Supreme Court determines that a major disaster has occurred in Washington, lawyers authorized to practice law in another jurisdiction may provide pro bono legal services in Washington under the supervision of a Washington lawyer and on matters assigned by a qualified legal services provider. It also provides that lawyers authorized to practice law in an affected jurisdiction, whose practices are disrupted by a major disaster there, are authorized to provide legal services on a temporary basis in Washington. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction.

Governor de los Santos moved, seconded by Governor Davis, that the Board approve the proposed ARP Rule 27, and an amendment to RPC 5.5, Comment 14 for submission to the Supreme Court. The motion passed unanimously.

Judicial Recommendation Committee – Chair and Vice-Chair Appointments

Governor Berg moved, seconded by Governor Butler, that the Board approve the appointments of Susan Hinkle as Chair and Shawn Otorowski as Vice-Chair of the Judicial Recommendation Committee 2007-2008. The motion passed unanimously.

2007 Annual Awards Committee Recommendation – Leadership Award

President Dial introduced a recommendation of the 2007 Annual Awards Committee that an annual Norm Maleng Leadership Award be given jointly by the ATJ Board and the WSBA at the ATJ and Bar Leaders Conference commencing in June 2008.

Governor Karademos moved, seconded by Governor Anderson, that the Board approve the establishment of a Norm Maleng Leadership Award to be presented annually at the ATJ and Bar Leaders Conference commencing June 2008. The motion passed unanimously.

MCLE Board Nominations (2)

Governor Lawrence moved, seconded by Governor Mungia, that the Board approve the nominations of Effrem Krisher and J. Tappan Menard for appointment by the Supreme Court to the MCLE Board. The motion passed unanimously.

Proposed WSBA Bylaw Amendment – Definition of Section Membership

The Board considered a proposed WSBA bylaw amendment that would provide sections with an option to expand the definition of who can be “voting members” of sections, thereby broadening the pool of eligible people who can join as voting members of the section and serve in a leadership role with the section.

Discussion transpired. This matter was presented as a first reading and is expected to be before the Board for action at its next scheduled meeting.

JUDICIAL SELECTION TASK FORCE REPORT – Governor Lawrence

Governor Lawrence reported that the task force report is currently being worked on. The issue of judicial selection is a very important one and it was the consensus of the task force that its report be presented at a location where interested people could easily attend.

WSBA COURT RULES AND PROCEDURES COMMITTEE – Chair Roger Wynne and Assistant General Counsel Douglas Ende

ER 408 and 410: Making compromise and offers of compromise inadmissible in certain criminal proceedings

The Court Rules and Procedures Committee recommended amending ER 408 to clarify,

consistent with a 2005 Supreme Court ruling, that it applies only in civil cases. The Committee further recommended a companion amendment to ER 410 specifying that evidence of civil negotiations or compromise pursuant to RCW 4.24.230 or RCW 10.22.010-.020 is inadmissible in civil or criminal proceedings. Governor Mungia moved, seconded by Governor Berg, that the Board approve the Committee's recommendation to approve the suggested amendments to ER 408 and ER 410. The motion passed unanimously.

CrR/CrRLJ 8.3, RAP 2.2, and RALJ 2.2(c)(1): Codifying a summary dismissal procedure in criminal proceedings

Citing State v. Knapstad, 107 Wn.2d 346 (1986), the Court Rules and Procedures Committee recommended codification of the "Knapstad motion" procedure in what will be called a motion for pretrial dismissal, and to approve conforming amendments to the rules governing how decisions may be appealed.

Governor Mungia moved, seconded by Governor Berg, that the Board approve the Committee's suggested amendments to CrR/CrRLJ 8.3, RAP 2.2, and RALJ 2.2(c)(1). The motion passed unanimously.

GR 34: Waiver of court and clerk's fees and charges in civil matters – Dan Young and Val Carlson

Chair of the Pro Bono and Legal Aid Committee, Dan Young, and Committee member, Val Carlson, presented a joint proposal submitted by the PBLAC and the Court Rules and Procedures Committee. The joint proposal promotes access to justice for people who lack the financial means to pay initial filing fees and other litigation fees and charges and establishes statewide standards for waiving these fees and charges in civil cases.

Chair Young described the standards and process for the issuance of waivers: the applicant must be referred by a qualified legal service provider; the applicant must be receiving assistance under a needs-based, means-tested assistance program; and the applicant cannot be earning more than 200% of the then current federal poverty guideline.

Governor Vail spoke in support of the proposed new rule by noting the patchwork of procedures currently being followed throughout the State of Washington. Vail emphasized that this is a procedural issue and disagrees with the Washington State Association of County Clerks who

believe modification to clerks' fees and the current fee waiver provisions, being statute-based, should be proposed as statute changes.

Governor Vail moved, seconded by Governor Berg, that the Board approve the jointly proposed new GR 34.

A lengthy discussion transpired. Concerns were raised regarding the appearance of the removal of a judicial function being placed with the court clerks; the impact on court funding; and the likelihood of an increase in complaints filed by prisoners.

Pam Daniels, Snohomish County Clerk, spoke in opposition to the proposed GR 34 as outlined in Kathy Martin's, President of the Washington State Association of County Clerks, letter to the Board dated July 23, 2007.

A vote was called. The motion passed with a vote of 9-3-1. Governors Baker, Butler, and Karademos voted against. Governor Mungia abstained. Governor Anderson was not present.

TRUST ACCOUNT RESPONSIBILITIES AND RETAINERS TASK FORCE REPORT – Chair Mark Johnson and Assistant General Counsel Douglas Ende

Chair of the Trust Account Responsibilities and Retainers Task Force, Mark Johnson, provided the Board with a brief history that gave rise to the need for the establishment of this task force and presented highlights of the task force report currently before the Board.

Johnson described the work of the task force as an effort to balance client protection with an attorney's need to make a living. Governor Mungia stated that the report has successfully struck the right balance.

Governor Karademos opined that the term "availability retainer" is defined too broadly and opened discussion regarding availability retainers and the definition of that term. Governor Lawrence suggested the following areas for further analysis: (1) whether the general applicability of the flat fee provision goes beyond the intent of the Board to address problems in specific practice areas; (2) whether the "reasonably in dispute" standard places the burden on the client, not the lawyer – a mandatory arbitration requirement should be considered; and (3) should further public outreach on the proposed change be sought. Johnson responded that the

task force report sets out to narrow the box and clearly defines what a flat fee “is not”; pointed out that the burden of proof is on the lawyer to establish what a reasonably prudent lawyer must do; and agreed that, though there was one non-lawyer on the task force itself, there was no general public outreach to non-lawyers.

Randy Beitel, Acting Chief Disciplinary Counsel, reported that the Office of Disciplinary Counsel offers a proposed alternative rule. However, whichever proposal the Board adopts, the WSBA will have moved considerably forward (except in the area of flat fees which essentially conflicts with public understanding). Beitel further reported that in the area of fee disputes, ODC feels strongly that fee arbitration is the way to go.

General Counsel Welden agreed and reiterated whichever rule the Board adopts the WSBA will have made great strides; and noted that a subcommittee of the Discipline Task Force will be proposing a mandatory fee arbitration rule to the full Discipline Task Force.

COMMITTEE ON PUBLIC DEFENSE – JON OSTLUND, Co-Chair

Non-Legislative Fixes for Enforcement of Standards Subcommittee – CrR and CrRLJ 4.1 – Arraignment and CrR and CrRLJ 4.2 – Pleas

Co-Chair Ostlund introduced the Committee on Public Defense proposed rule changes to CrRLJ 4.1 and CrRLJ 4.2 and the companion amendments to the CrR rules. Ostlund reported that both the CPD and the District and Municipal Court Judges Association had developed proposed revisions to these rules and the WSBA Court Rules and Procedures Committee had brought the proponents together to attempt to reconcile the two proposals. While those discussions were fruitful, some differences between the DCMJA and the CPD proposals remain. In the end, the Court Rules Committee recommended adoption of the CPD version of the rules. Co-chair Ostlund described the differences between the CPD version and the proposal submitted by the District and Municipal Court Judges Association, the major remaining difference being the CPD proposal’s requirement that prosecutors be available for in-custody arraignments, while the DCMJA version does not include this requirement.

Gary Riesen, WAPA liaison, spoke in favor of the DMCJA proposed rule citing the following reasons: (1) having a prosecutor at arraignment is not necessary because most cases are not prepared to proceed; (2) the significant financial impact; and (3) having a prosecutor present at arraignment will not resolve cases.

Rebecca Robertson, Criminal Law Section, spoke in favor of the CPD proposed rule citing the following reasons: (1) as a pro tem judge, it is very difficult to play multiple roles when a prosecutor is not present; (2) it is very difficult to get defendants to understand their rights without confessing to crimes; and (3) arraignment is on many occasions the first appearance, at which time the judge may consider conditions of release if defense counsel is present.

President-elect Bastian asked whether or not the CPD conducted a cost analysis. Ostlund reported there was no cost analysis completed.

President Dial reminded the Board that the CPD was charged with conducting a global review of the criminal justice system throughout the State of Washington. The Committee has reported details of its review including what *is* and what *should be*; not whether what *should be* is too expensive.

Governor Mungia reported that the impartiality of the bench is of key importance. Governor Mungia moved, seconded by Governor Burke, that the Board adopt the CPD proposed rule with the amendment that a prosecutor be present at all arraignments not just “in custody” arraignments.

Governor Vail moved, seconded by Governor Davis, to amend Governor Mungia’s motion and require the presence of a prosecutor at in-custody arraignments only, as originally proposed by the CPD. Governor Vail suggested and Governor Davis concurred that the amendment may be a “poison pill.”

Governor Mungia contended that the amendment would not be a “poison pill,” that the Supreme Court will proceed as it deems appropriate, and that the amended language would be a statement by the Board that it fully stands behind its proclamation that a fair and impartial judiciary is a core value of the WSBA. Governor Burke urged support of Governor Mungia’s modification

A vote was taken on Governor Vail’s motion. The vote result was 6-4-0. Governors Aoki, Burke, Davis, and Mungia against. Governors Anderson, Butler, de los Santos, and Shea were excused.

A vote was taken on the motion to adopt the CPD proposed rule as submitted. The vote result was 10-1-0. Governor Anderson against. Governors Butler, de los Santos, and Shea were excused.

System Efficiencies and Legislative Changes – Two Track System for Contempt of Court Proceedings

Ostlund presented the Two Track System for Contempt of Court Proceedings (which was deferred at the June Board meeting to provide the Family Law Section an opportunity to comment). Ostlund reported that the system has been very successful in King County, which demonstrates an estimated \$300,000 in savings.

After discussion, Ostlund agreed that the title of the resolution should read: “Supporting the Implementation of a Two-Track System for Contempt of Court Proceedings in Child Support Matters Initiated by the State”. Governor Mungia moved, seconded by Governor Davis, that the Board adopt the resolution subject to its change in title and incorporated changes to the last sentence of the resolution. The motion passed unanimously with a vote of 11-0-0. Governors Butler, de los Santos, and Shea were excused.

Mental Illness and Sex Offender Civil Commitments Subcommittee

Anita Paulsen, Chair of the Mental Illness and Sex Offender Civil Commitments Subcommittee, shared some highlights of the findings of this subcommittee and urged the Board’s support of the CPD’s request that further study in this area be made a part of the work of CPD Phase II. Governor Davis moved, seconded by Governor Burke, that the Board formally add further study in this area to the task of CPD Phase II. The motion passed with a vote of 10-0-1. Governor Anderson abstained. Governors Butler, de los Santos, and Shea were excused.

PRESIDENT’S REPORT

By written report only.

PRESIDENT-ELECT’S REPORT

By written report only.

EXECUTIVE DIRECTOR’S REPORT

By written report only.

ADJOURNMENT

There being no further business, the Board of Governors meeting was adjourned at 11:10 a.m. on Saturday, July 28, 2007.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director