

MINUTES

Public Session
Washington State Bar Association
BOARD OF GOVERNORS

Spokane, WA
October 27, 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 8:30 a.m., on Friday, October 27, 2006; at The Davenport Hotel in Spokane, Washington. Governors in attendance were:

Marcine Anderson
Russell M. Aoki
Eron Berg
Liza E. Burke
Anthony L. Butler
Lonnie Davis
Eric C. de los Santos
Peter J. Karademos
Douglas C. Lawrence
Salvador A. Mungia
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 Assistant General Counsel Douglas Ende. The record shall reflect that Governor Baker was excused.

LIAISONS, GUESTS AND STAFF IN ATTENDANCE:

Caitlin Davis Carlson	Legal Foundation of Washington, Executive Director
John M. Brangwin	WYLD President
William Hyslop	Legal Foundation of Washington, Trustee
Colleen Harrington	Litigation Section
Daniel Gottlieb	Access to Justice Board
Steve Toole	WSTLA

Judge Brenda Ellis	Washington Administrative Law Judges Association
Judge Sara Derr	District and Municipal Court Judges Association
Kathryn McKinley	Real Property, Probate and Trust Section
Kim Tran	Asian Bar Association of Washington
Judge Michael Cooper	Superior Court Judges Association
Mary Anne Fast	Dispute Resolution Section
Joe Nappi (presenter)	WSBF
Fred Tausend (presenter)	Preston Gates & Ellis LLP
Mark Baum (presenter)	MCLE Board Chair
Joan Tierney	Washington Women Lawyers, President
Daniel Gandara	King County Bar Association
Judge Paul Bastine	Practice of Law Board
Geoff Gibbs	Snohomish County Bar Association
Jim Kaufman	WAPA
Jean Cotton	Family Law Section
Timothy Harkins	Family Law Section
Rich Rasmussen	Committee for Diversity, Co-Chair
Jean McElroy	WSBA Director of Regulatory Services
David Carlson	WSBA Civil Rights Committee
Corbett Gordon	WSBA Civil Rights Committee
Rachelle Anderson	WYLD Trustee
Paula Littlewood	WSBA Deputy Director
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 SEPTEMBER BOARD MEETING

Governor Lawrence moved to approve the Public Session minutes of September 14-15, 2006 subject to the corrections made by Governors Burke, Vail, and Wiitala; Governor Anderson seconded. The motion passed by a vote of 12-0-1. Governor Butler abstained.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER SPECIAL BOARD MEETING

Governor Lawrence moved to approve the Public Session minutes of the September 15, 2006 Special Board Meeting subject to the correction that Immediate Past-President S. Brooke Taylor was present; Governor Karademos seconded. The motion passed by a vote of 12-0-1. Governor Butler abstained.

CONSENT CALENDAR

President Dial announced that some of the materials contained in the "late materials" packet pertained to several issues on the Consent Calendar.

One item was pulled from the Consent Calendar and the six consent items, as listed below, were approved by circulation of a written consent ballot:

- a. Approve Proposed Withdrawal of Interim Formal Ethics Opinion #197;
- b. Approve Proposed Additional Appointments (4) and Replacement (1) to the Court Rules and Procedures Committee;
- c. Approve Additional 2006-2007 WSBA Committee Chair Appointment (1):
- d. Approve Proposed Appointments to the Limited Practice Board (2);
- e. Approve Proposed Chair Appointment to the Limited Practice Board;
- g. Approve Proposed Removal of a member from the Character and Fitness Committee.

Governor Shea requested that item #f. be pulled from consent.

David Carlson, member of the Civil Rights Committee, commented that the Civil Rights Committee chair appointment in item #c differed from the committee's recommended chair. President Dial asked whether any governor wished to pull item #c, hearing none, the item remained on the Consent Calendar.

Item f

Approve Proposed Amendments to the Solo and Small Practice Section Bylaws.

Assistant General Counsel Douglas Ende noted that some cross references and other scrivener corrections were needed but that otherwise the General Counsel approved the bylaw changes as conforming with the WSBA Bylaws. Governor Shea noted that reference to Section 4.7 (page 8, line 5) should be changed to Section 4.5. Governor Shea requested clarification on the requirement, if any, that sections conduct Business Meetings. Executive Director Michels reported that Business Meetings were optional. Governor Mungia moved, seconded by Governor Lawrence that the Board approve the proposed amendments to the Solo and Small Practice Section Bylaws subject to correcting the reference to Section 4.7 (on page 8, line 5) to Section 4.5 and other scrivener changes. The motion passed unanimously.

LIAISONS' OPEN FORUM

Judge Paul Bastine – Practice of Law Board

Judge Bastine reported that the POLB is in the process of designing a pilot project of non-lawyer practice. The POLB has appointed four subcommittees to look at possible areas of the law for non-lawyer practice: Family Law, Housing/Landlord Tenant, Immigration, and Elder Law. The location of the pilot program has yet to be determined however, the following aspirational guidelines will be followed: (1) a six-month study regarding location recommendations, (2) presentation and adoption by the POLB, (3) presentation before the Board of Governors, and (4) submission to the Supreme Court for approval.

John Brangwin – WYLD

John Brangwin, President of the WYLD commended President Dial for her intervention with the King County Bar Association in efforts to enhance the working relationship between the WYLD and the King County Bar Association. Due to President Dial's efforts, the working relationship between the WYLD and the KCBA has experienced a remarkable improvement. Brangwin acknowledged President Dial for her proactive efforts.

Daniel Gottlieb, Chair – Access to Justice Board

Dan Gottlieb, Chair of the Access to Justice Board announced that the ATJ Board has been nominated for the American College of Trial Lawyers' Emil Gumpert Award. The award recognizes programs, public or private, whose principal purpose is to maintain and improve the administration of justice with a \$50,000 stipend. The ATJ Board has voted in favor of proceeding with the nomination.

FACILITIES COMMITTEE REPORT – Paula Littlewood, WSBA Deputy Director

WSBA Deputy Director Paula Littlewood provided the Board with an update on behalf of the Facilities Committee concerning “The Move.” WSBA’s move status is on budget and on schedule. Demolition is completed, the furniture and telephone system have been ordered, cable installation is in process, and dry wall will be going up soon. Littlewood reported on an unanticipated expense. Washington Mutual unexpectedly removed the portable, stand alone HVAC system from the server room. Such a unit no longer meets code and since special HVAC is needed for the server room, WSBA will have to cover the additional expense of installing such a system. The anticipated cost range for a HVAC system and ducting is \$23,000 – 30,000.00.

Executive Director Jan Michels reported on behalf of the Facilities Committee’s Arts Subcommittee.

- Decisions are being made on signage for the new offices which will provide both a professional and pleasing aesthetic look.
- The “President’s Wall” will be enhanced with either WSBA or American historical events and new groupings of the presidents’ photographs.
- An Open House will be planned for February or March of 2007.

Governor Davis suggested that the WSBA inquire as to the price of the art printed on the October 26, 2006 Diversity Conference brochure held at the Gonzaga Law School.

WSBA PIPELINE GRANT 2007-2009

President Dial turned the gavel over to President-elect Bastian and took the presenter’s seat at the end of the Board table.

President Dial reported on a proposed WSBA Pipeline Program by informing the Board on: (a) what a Pipeline Program is; (b) why it’s a logical next step for the WSBA; and (c) why a grant based program:

- The pipeline program is an outreach program to at risk youth in the community.
- It is an important next step for the WSBA in expressing its ongoing commitment and meaningful dialogue regarding diversity in the legal profession.
- The WSBA is not the best organization to run a pipeline program. Therefore discussions have been held with the law schools and minority bar associations – who overwhelmingly support the concept.

- If a grant commitment is made, it would carry a 3-year period and an automatic sunset after said 3-year period. Should the program become vibrantly successful, support from throughout the state would be sought for future funding.
- Utilizing the WLI as a benchmark; \$25,000 per year, for a 3-year period, totaling \$75,000 is the grant amount being requested.

Treasurer Berg reported that the Budget and Audit Committee had considered the proposal on October 26, 2006 and certified that funds were available to support the pipeline program grant in the amount of \$75,000. Discussion ensued.

Governor Anderson moved, seconded by Governor Lawrence that the Board adopt the WSBA Pipeline Grant Resolution (as attached) and further described by President Dial. The Board clarified that they were authorizing a pipeline project grant in the amount of \$75,000 for a 3-year period, with an automatic sunset at the end of the 3-year period and with no requirement for WSBA administrative or staff support nor any impact on WSBA dues. The motion passed by a vote of 12-1-0. Governor Butler voted in opposition.

FISCAL MATTERS – Treasurer Eron Berg

Treasurer Berg highlighted the 2006-2007 goals of the Budget and Audit Committee:

- Review of the reserve fund philosophy and create a policy;
- Review of the fiscal responsibility matrix;
- Review and update of the Budget and Audit Committee charter;
- Review budget policies, the budget process, and the compensation policy;
- Conduct sunset reviews;
- Establish a policy for WSBA presidents' projects or initiatives; and
- Review and update of the accounting policy manual.

Treasurer Berg announced that Smith Barney has been selected by the Budget and Audit Committee as WSBA's investment advisor. In conclusion, Treasurer Berg reported that the Budget and Audit Committee voted to recommend that the WSBA support the votingforjudges.org website with an additional \$1,500. Governor Berg moved, seconded by Governor Lawrence that the WSBA provide an additional \$1,500 to support the votingforjudges.org website. The motion passed unanimously.

BOG MATTERS

A. WSB Foundation Annual Report – Joseph Nappi, Trustee

Washington State Bar Foundation Trustee Joseph Nappi presented the WSB Foundation's Annual Statement of Activities for 2005-2006. The following activities were highlighted: (a) The Loan Repayment Assistance Program (LRAP) awarded five recipients in 2006, and is currently accepting applications for 2007; (b) the Presidents' and Governors' Diversity Scholarship Fund's goal is to raise \$100,000 by Fall 2007 – \$28,045 has been raised to date; and (c) the WSB Foundation is pursuing the idea of entering into an affiliation relationship with a credit card company and other possible fundraising and hopes to present its preliminary findings to the Board in Spring 2007.

Governor Berg moved, seconded by Governor Mungia that the Board approve the Washington State Bar Foundation Annual Statement of Activities for 2005-2006. The motion passed unanimously.

B. WSBA Bar Examiners Committee – Joseph Nappi, Chair and Paula Littlewood, WSBA Deputy Director

Deputy Director Paula Littlewood reported that after a complete review of the Bar Examiners Committee appointments (new appointees, renewed appointees with terms that expired in September 2006, and all other current members with terms expiring in 2007 or later) the appointments were now ready for Board approval. Discussion transpired concerning the disproportionate number of members from the 5th district did not represent geographical diversity. Chair Nappi commented on the time involved to adequately train members and the number of hours of work each member devotes to serving on the Bar Examiners Committee. He suggested this disproportionate representation be cured over time. It was clarified that the total number of members allowed to serve on the Committee is 110, and a minimum of three members from each district is required however there currently exists no maximum number of members from a particular district.

Governor Karademos moved, seconded by Governor de los Santos that the Board approve the Bar Examiners Committee appointments as listed in Section 1 (32 members) and Section 2 (50 members) for 2006-2007. The motion passed unanimously.

C. Proposed Amendments to WYLD Bylaws – WYLD President John Branqwin

There being no questions or comments, WSBA Assistant General Counsel Douglas Ende noted that the proposed amendments to the WYLD Bylaws as presented are not inconsistent with the WSBA Bylaws. Governor Vail moved, seconded by Governor Karademos that the Board approve the proposed amendments to the WYLD Bylaws. Motion passed unanimously.

D. BOG Executive Committee – President-elect Stanley A. Bastian

President-elect Bastian presented a proposal that a BOG Executive Committee be established consistent with discussions that occurred at the July BOG Retreat.

Discussion transpired. Governor Berg suggested that the “Deputy Executive Director” be deleted, leaving to the Executive Director’s discretion whom on staff should be present at the executive committee meetings. Governor Burke suggested that in light of the recent unfortunate communication issues between the WSBA Civil Rights Committee and the Board that the executive committee develop a procedure to improve communications with the Board Liaison and the entire Board, relating to imminent concerns to better forge an understanding of developing issues. Governor Butler raised a concern that the establishment of an executive committee may affect the power vested in the Board by the delegation of authority to an executive committee comprised of non-voting members of the Board.

After further discussion, it was an apparent consensus that this proposal required additional review. Governor Mungia moved, seconded by Governor Karademos that the Board table action on this matter. The motion to table passed by a vote of 11-2-0. Governors Berg and Lawrence voted in opposition.

E. BOG Committee Appointments – President Ellen Conedera Dial

President Dial presented the roster of BOG Committee appointments for comment and adoption. Geoff Gibbs representing the Snohomish County Bar Association suggested that a “medium-sized” county be represented on the Local Rules Task Force. Governor Berg moved, seconded by Governor Lawrence that the Board adopt all BOG Committee appointments with the inclusion of a medium-sized county on the Local Rules Task Force. The motion passed unanimously.

F. Diversity Outreach Reports - Informational

G. Proposed Appointment to the Limited Practice Board

Governor Berg moved, seconded by Governor Vail that the Board approve the nomination of Michael Melville as the “at-large” representative on the Limited Practice Board for submission to the Supreme Court for appointment. The motion passed unanimously.

H. Additional WSBA Committee Appointments

President Dial introduced the additional WSBA Committee Appointments that were before the Board for approval. Appointments included the WSBA Civil Rights Committee. Governor Mungia moved, seconded by Governor de los Santos that the Board approve the additional WSBA Committee appointments. The motion passed unanimously.

MCLE CREDIT FOR FEDERAL PROSECUTORS CLE – U.S. Attorneys John Mckay, James McDevitt and Tom Rice

James McDevitt, U.S. Attorney for the Eastern District, provided background on the National Advocacy Center (NAC) which is managed by the Office of Legal Education (OLE) to evidence the quality of the education presented. OLE is the legal training arm of the Department of Justice and focuses exclusively on providing legal training. NAC’s facilities are extensive. The NAC trains approximately 2,500 local prosecutors each year through its National District Attorneys Association, and also serves as the training center for the National Bankruptcy Training Institute. Other Federal agencies, including the SEC, FTC and the U.S. Army have been invited to conduct training at the NAC.

John McKay, U.S. Attorney for the Western District, reported the following concerns that give rise to their request for the Board’s assistance:

- Through Regulation 104(e)(9): “Additional regulation pertaining to Government Agencies - if a course is closed, any written materials need to be made available to any inquirer.” The OLE remains unable to certify that materials will be made public based on highly classified information that may be part of their “written materials.” However, the OLE is fully prepared to allow the WSBA and/or MCLE the opportunity to review course materials to satisfy its oversight responsibilities.

- Through Regulation 104(e)(1), the MCLE Board has denied accredited sponsor status to the OLE. The WSBA is the only bar association nationwide that has denied its members CLE credit for training provided by the OLE through the NAC.

MCLE RULE AND REGULATION REGARDING LAW FIRM “IN-HOUSE CLEs” – Fred Tausend

Fred Tausend of Preston, Gates and Ellis, explained the Petition for Suggested Amendments to APR 11, Regulation 104(e) on behalf of a “Coalition of Law Firms and Corporate Legal Departments” submitted to the Supreme Court pursuant to GR 9(d) on October 13, 2006. Of primary concern to the coalition:

- Through Regulation 104(e), a limit of 15 credit hours is allowed in a given reporting period for courses provided by a law firm.

Tausend reported that by eliminating the cap of 15 credit hours, equality will be restored by allowing WSBA members to receive credit for all qualified CLE programs attended during the reporting period whether in-house or not. Tausend directed the Board to the “coalition’s” proposed amendments on pages 180-182 of the Board books as well as the background and history in support of the “coalition’s” request on pages 183-193 of the Board books.

MCLE BOARD RESPONSE – Mark Baum, MCLE Board Chair and Jean McElroy, WSBA Director of Regulatory Services

Chair of the MCLE Board Mark Baum reported that the subject amendments were submitted to the Supreme Court in Spring 2005. The amendments were published by the Supreme Court for comment for a 60-day period. After no comments were received, the Supreme Court adopted the proposed amended regulation and designated an effective date of November 2005. In light of the WSBA’s anticipated June 1, 2006 enforcement of the amendments to Regulation 104(e), a letter was sent to law firms and corporate legal departments throughout the state of Washington. In response, a “coalition” of firms wrote to the MCLE Board expressing concerns and were invited to the July 2006 meeting of the MCLE Board. The “coalition’s” concerns were taken under advisement. In September 2006 the MCLE Board voted to consider the “coalition’s” requests consistent with the MCLE Board’s intent to engage in a concerted effort to fully review all MCLE rules and regulations at which time input from large firms, small firms as well as government lawyers will be invited. Chair Baum cautioned that the administrative costs and additional time required for an unexpected amendment would pose significant expenses to the WSBA.

In regards to the request for MCLE credit presented by the U.S. Attorneys, Chair Baum reassured the Board that the MCLE Board remains sensitive to the confidentiality of classified information that may be a part of the government's course materials; and further urged that the U.S. Attorneys individually petition for credits. Executive Director Michels suggested that supporting materials to individual petitions would only need to be filed once.

Governor Berg moved, seconded by Governor Anderson that the WSBA Board of Governors issue a non-binding statement supporting the U.S. Attorneys' request for approval of CLE credits in 2006. Further, that the MCLE Board return before the Board of Governors by April 2007 with recommended revisions to APR 11 Regulation 104 addressing both issues as presented by the U.S. Attorneys and the Coalition of Law Firms and Corporate Legal Departments. The motion passed by a vote of 12-0-1. Governor Butler abstained.

LEGISLATIVE REPORT – Gail Stone, WSBA Legislative Director

WSBA Legislative Director Gail Stone presented background on Justice in Jeopardy. Stone reported that this is an ongoing effort now facing its third year and the WSBA continues to be an integral partner parallel with the Board of Judicial Administration (BJA). Governor Lawrence moved, seconded by Governor Vail that the Board support the Justice in Jeopardy package and the funding requests contained therein. Motion passed unanimously.

NEW BUSINESS

Daniel Gottlieb, Chair of the ATJ Board asked the Board for clarification of the Memorandum of Understanding between the WSBA and the ATJ Board. Gottlieb noted that the WSBA and the ATJ Board entered into a Memorandum of Understanding in April 2006. The ATJ Board opposed the need for a general rule at that time. Nevertheless, the WSBA submitted to the Supreme Court a proposed GR 12.1 which the Supreme Court has posted for comment. President-elect Bastian reported that the proposed GR 12.1 would govern all Supreme Court created boards, however the Memorandum of Understanding entered into between the WSBA and the ATJ Board would govern how the WSBA administered the ATJ Board.

Governor Berg moved, seconded by Governor Mungia that the Memorandum of Understanding entered into by the WSBA and the ATJ Board (as attached) represents the WSBA's implementation of the proposed GR 12.1 as it relates to its relationship with the ATJ Board.

Motion passed unanimously.

Judge Paul Bastine, Vice-Chair of the Practice of Law Board (POLB) addressed the Board in a personal capacity and emphasized that he was not speaking on behalf of the POLB. Judge Bastine commented on his concern about the relationship between the Board of Governors and the POLB in light of the language contained in the proposed GR 12.1 citing that it is his understanding that the POLB is under the umbrella of the Supreme Court and not the WSBA. Further, cautioning the Board that there are restraint of trade issues that may apply in that the WSBA is a trade association and therefore clear separation of power issues arise. Because the proposed GR 12.1 comment period expires on November 27, 2006, he suggested the Board may wish to request an extension of the comment period to explore this issue. The Board of Governors may want to develop a Memorandum of Understanding with the POLB prior to the adoption of proposed GR 12.1.

EXECUTIVE DIRECTOR TASK FORCE

Immediate Past-President S. Brooke Taylor addressed the Board concerning the proposed Job Specifications for the WSBA Executive Director position which is before the Board today for approval. Taylor emphasized that one hiring decision rests with the Board and the other decisions the Board makes will pale in importance to this hiring decision. As Chair of this task force, Taylor acknowledged that it is his intent to keep the entire Board apprised of every step taken throughout the ongoing process of selecting an Executive Director. Governor Berg offered numerous suggestions to the language contained in the proposed Job Specifications to which Taylor offered his assurances that all issues and the proposed language as presented were fully vetted by the task force. Governor Mungia moved, seconded by Governor Anderson that the Board approve the proposed Job Specifications for the WSBA Executive Director position as presented, subject to scrivener corrections. The motion passed by a vote of 12-1-0. Governor Berg voted in opposition.

Governor Davis moved, seconded by Governor Lawrence that the Board approve the recommendation of the Executive Director Task Force that the WSBA be authorized to pay for reasonable travel costs (coach air fare, ground transportation, and hotel accommodations) for the candidates who are invited for final in-person interviews. The anticipated final pool of candidates will consist of at least two and no more than four individuals. The motion passed unanimously.

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 at hand, the Board of Governors meeting was adjourned at 2:25 p.m. on Friday, October 27, 2006.

Governor Davis took this opportunity to acknowledge the ATJ Impediments Committee for the "Ensuring Equal Access for People with Disabilities" publication that was distributed to everyone present. Davis further announced that a power-point presentation is also available for viewing upon request.

Respectfully submitted,

/s/ M. Janice Michels
M. Janice Michels



WSBA

WASHINGTON STATE BAR ASSOCIATION
BOARD OF GOVERNORS

**Resolution in Support of and Establishing a WSBA Pipeline
Grant 2007 – 2009**

Whereas, the Board of Governors (the "Board") recognizes the importance of pipeline programs as a part of its commitment to increasing diversity in the profession and in the leadership of the WSBA;

Whereas, the Board believes that there are numerous law-related organizations in the State of Washington that have the capacity to design and operate a successful pipeline program;

Whereas, the Board wishes to support the creation of a new pipeline program that will serve one or more communities of young people in the State of Washington that are currently underserved;

Now, Therefore, It is hereby Resolved That:

The Board establishes a grant of \$75,000 to fund, in whole or in part, the establishment and operation of a pipeline program over a 3-year period commencing in 2007.

The Executive Committee [or President] shall have authority to issue one or more requests for proposals ("RFP") to law-related organizations in the State of Washington. The RFP will call for proposals for a pipeline program to serve one or more communities of young people that are currently underserved. The RFP will express a preference, although not a requirement, for collaborative partnerships between or among law-related organizations.

The President shall have authority to appoint a special committee (the "Committee") of not more than 10 persons. At least one-half of the members of the Committee shall be members of the WSBA. The mission of the Committee shall be to assist in the preparation of the RFP (if needed), to review proposals and select the best proposal, and to oversee the administration of the grant. The Committee will have authority to require changes to any proposal as a condition of the grant award. The best proposal, as selected and approved by the Committee, shall be awarded the grant. The grant shall be paid out over a three year period commencing in 2007.

Resolution in Support of and Establishing a WSBA Pipeline Grant
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The Committee shall have authority to reject any and all proposals, if the Committee deems that the proposals do not meet the objectives set forth in this resolution and the criteria set forth in the RFP, or are not viable for any reason.

The Committee shall report to the Board of Governors the nature and scope of the proposal or proposals that are received and the proposal (if any) selected for the grant award.

The Committee shall report to the Board at least quarterly on the progress of the pipeline program and the disbursement of the grant award.

Unanimously adopted by the Washington State Bar Association Board of Governors on October 27, 2006.

/s/ M. Janice Michels
M. Janice Michels
Executive Director



WSBA

WASHINGTON STATE BAR ASSOCIATION

MEMORANDUM OF UNDERSTANDING

Relationships

The Washington State Access to Justice Board (the “ATJ Board”), an autonomous board that reports annually to the Washington State Supreme Court and the Washington State Bar Association (“WSBA”) Board of Governors, was established in 1994 and reauthorized by an order of the Supreme Court, dated November 2, 2000 (the “Order”). The Order charges the ATJ Board with responsibility to assure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system. To that end, the Order provides that the ATJ Board shall work to:

- Establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals;
- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
- Promote adequate levels of public, private and volunteer support for Washington State’s civil equal justice network;
- Serve as an effective clearinghouse and mechanism for communication and information dissemination;
- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;

- Promote widespread understanding of civil equal justice among the members of the public through public legal education;
- Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and
- Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.

The Order provides that the ATJ Board shall be administered by the WSBA, and specifically states that the ATJ Board shall be funded and staffed by the WSBA, which shall have authority to establish a budget and approve expenditures. Pursuant to this Memorandum of Understanding, the ATJ Board and the WSBA agree to the following understandings with respect to the relationships between the parties under the Order:

Budget Considerations

The parties agree that the ATJ Board will participate in the development of that portion of the WSBA annual budget that affects the operations of the ATJ Board. Such participation shall include:

(a) The ATJ Board's submission to the WSBA Department of Finance and Administration of a proposed budget in the same format used by the WSBA's own programs, together with such back-up information necessary to explain the proposed budget, or as requested in preliminary budget development. The budget submission will identify specific objectives and describe how progress will be evaluated; and

(b) The meaningful and timely opportunity for the ATJ Board to participate in WSBA's budget discussions and in making budget adjustments.

To the extent that the ATJ Board deems it necessary to request supplemental funding from the WSBA within a budget cycle, the ATJ Board will follow the above steps; provided, that budget changes of less than 10% in a line item do not require prior approval assuming that the overall budget remains constant.

To the extent that the ATJ Board seeks funding from outside sources, it shall do so in collaboration with the WSBA. WSBA shall be the contracting and grant agent for all outside funding received by the WSBA or the Washington State Bar Foundation and earmarked for the ATJ Board. Either the WSBA or the Washington State Bar Foundation, as appropriate, shall be responsible for reporting on the use of such funds to the outside funding source. Management of the funds may be delegated to the ATJ Board. Such funds shall only be used for the purpose(s) for which they were solicited, and subject to any conditions imposed by the grantor or donor.

Staffing Considerations

The WSBA shall provide the ATJ Board with adequate staff to fulfill its mission. A manager-level employee with knowledge of civil access to justice issues shall be dedicated to supporting and coordinating the work of the ATJ Board with the understanding that this employee may be assigned to perform other responsibilities as a WSBA staff member. The WSBA shall also provide the ATJ Board with such other full or part-time staff as may be necessary to enable the ATJ Board to perform its functions as set forth in the Order. Appropriate staffing levels shall be determined annually in the budget process. Staffing levels shall be monitored in good faith by both the WSBA and ATJ Board to assure that staff use complies with the parameters established in the budget. Any modifications to staffing allocations or duties shall only be made after mutual consultation between WSBA and the ATJ Board.

The ATJ Board understands that WSBA Personnel Guidelines shall apply in hiring, job classification, salary, and conditions of employment for all WSBA employees and that the WSBA Executive Director has sole authority to employ and compensate all WSBA employees. The WSBA Executive Director has sole authority to select or terminate any WSBA employee, although the ATJ Board shall have the opportunity to participate in the selection or termination of the ATJ manager. The formal job descriptions of staff assigned to work with the ATJ Board shall be available to the ATJ Board, and the ATJ Board shall have the opportunity to provide comments on those descriptions during the Annual Review process, or as necessitated by changes in functions, duties or personnel. The ATJ Board shall also have the opportunity to provide comments on the Annual Review of the ATJ manager and other WSBA staff supporting the ATJ Board.

Other Matters

The ATJ Board shall be accountable to the WSBA for proper fiscal management and for using WSBA resources to carry out the mission as specified in the Order.

In the event that an issue arises that is not addressed in the Order or this Memorandum of Understanding, the WSBA and ATJ Board will work collaboratively to resolve the issue.

Washington State Bar Association

Washington State Access to Justice Board

/s/ S. Brooke Taylor

By: /s/ Christine Crowell

S. Brooke Taylor
WSBA President

Chair, Access to Justice Board

Date: 4/28/06

Date: 5/8/06

/s/ M. Janice Michels

M. Janice Michels
WSBA Executive Director

Date: 4/28/06