

## MINUTES

### *Public Session* **WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS**

**SEATTLE, WA  
September 14 – 15, 2006**

The Public Session of the Board of Governors of the Washington State Bar Association was called to order by President S. Brooke Taylor at 1:00 p.m., on Thursday, September 14, 2006, recessed at 3:31 p.m., and reconvened at 8:58 a.m. on Friday, September 15, 2006; at the WSBA Conference Center in Seattle, Washington. Governors in attendance were:

Marcine Anderson  
James Baker  
Stanley Bastian  
Eron Berg  
Liza E. Burke  
Lonnie Davis  
Eric C. de los Santos  
Mark Johnson  
Douglas C. Lawrence  
Kathleen O'Sullivan  
Kristin Olson  
Michael Pontarolo  
Kristal K. Wiitala

Also in attendance were President-elect Ellen Conedera Dial, Governor-elect Russell M. Aoki, Governor-elect Anthony L. Butler, Governor-elect Peter J. Karademos, Governor-elect Jason T. Vail, Governor-elect Edward F. Shea Jr., 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:**

Judge Judith Eiler	District Municipal Court Judges Association
Caitlin Davis Carlson	Legal Foundation of Washington, Executive Director
Elizabeth Stephan	Real Property, Probate and Trust Section
John Strait	Criminal Law Section

Judge Jay V. White	Superior Court Judges Association
Edward Holm	WAPA
Sarah Richardson	LFCP Committee, Chair
Joan Tierney	President-elect, Washington Women Lawyers
James Macpherson	WDTL
Mark O'Halloran	WYLD, President-elect
Nicholas Coming	WSTLA
Thomas A. Campbell	WACDL
Amelia J. Adair	King County Bar Association, Trustee
Meredith Hutchins	Government Lawyers Bar Association
Geoff Gibbs	Snohomish County Bar Association
Mattie Harvin-Woode	Administrative Law Judges Association
Desiree Hosannah	Administrative Law Judges Association
Greg Dallaire	Access to Justice Board
Dan Gottlieb	Access to Justice Board
Noah Davis	WYLD, President
Lisa Stone	Amicus Brief Committee
Marc Christianson	Family Law Section
Lisa Seifert	Washington AILA
Richard E. Potter	Administrative Law Section
Paula Littlewood	WSBA Deputy Director
Jennifer Willner	CLE Committee
John Powers	Law Fund Board
Gail Stone	WSBA Legislative Director
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 JULY BOARD MEETING**

Governor Pontarolo moved to approve the Public Session minutes of July 21, 2006 subject to the corrections made by Governors Lawrence, O'Sullivan, and Wiitala; Governor Olson seconded. The motion passed by a vote of 13-0-0.

## **REPORT ON EXECUTIVE SESSION**

President Taylor reported that the Board participated in a two-hour Generational Training session in the morning which was informational and productive. Taylor provided highlights of the morning's Executive Session as follows: the Board approved the Executive Session minutes of July 21, 2006, received the litigation and discipline docket reports in writing, reviewed two reprimands, approved a gift recommendation submitted by the Lawyers' Fund for Client Protection Committee, nominated a Conflicts Review Officer, engaged in discussion relating to the Civil Rights Committee, and considered the Executive Director's performance review.

## **LAWYERS' FUND FOR CLIENT PROTECTION COMMITTEE ANNUAL REPORT –**

### **Sarah Richardson, Chair**

Sarah Richardson, Chair of the Lawyers' Fund for Client Protection Committee prefaced her report by thanking the Board for its support and acknowledging General Counsel Welden for all his excellent work and continual guidance of the committee throughout her term as chair.

Richardson presented the LFCP Committee's proposed amendment to Procedural Rule 14 regarding publication of notice. Governor Berg moved, seconded by Governor O'Sullivan that the proposed amendment to Procedural Rule 14 be approved. Motion passed unanimously.

Richardson presented and requested the Board's approval of the LFCP Committee's Annual Report to the Supreme Court. Governor Pontarolo moved, seconded by Governor Davis that the LFCP Committee's Annual Report be approved. Motion passed unanimously.

Governor Berg commended the work of the Lawyers' Fund for Client Protection Committee.

## **LEGAL FOUNDATION OF WASHINGTON ANNUAL REPORT**

President, Honorable Michael Schwab, and Executive Director of the Legal Foundation of Washington, Caitlin Davis Carlson presented the LFW 2006 Annual Report. Judge Schwab conveyed the LFW's appreciation for the continued support of the WSBA. Judge Schwab introduced John Powers, member of the 2006 LAW Fund Board and Chairman of the 2007 Campaign for Justice, who announced the second annual Campaign for Justice and requested the Board to "lead by example" in support of the 2006 campaign.

## **GOVERNORS' OPEN FORUM**

### WSBA Endorsed Insurance Programs – Governor Michael Pontarolo

Governor Pontarolo presented a report on behalf of the BOG Insurance Committee, and the following comments and recommendations were made (a) it is anticipated that within two years the number of participating members in the Professional Liability Insurance program through U.S.I. will increase by 100 firms; (b) the most sought after member benefit is medical coverage however, the BOG Insurance Committee is not convinced that U.S.I. will meet the expectation of establishing "a charter group" for a true group medical insurance; (c) if the WSBA decides to explore disability and long-term care insurance, it must do so cautiously, due to the significant risk and responsibility that will be placed on the WSBA in endorsing or sponsoring these types of programs suggesting that the ABA program may be a better model; and (d) the WSBA must maintain its prime focus which is that insurance products meet the "best policy at reasonable premium price" goal.

### WSBA Committee Sunset – President-elect Ellen Conedera Dial

President-elect Dial reported that member and chair appointments to the WSBA Standing Committees will be addressed by the Board under BOG Matters of this meeting's agenda. However, President-elect Dial wished to address the possible hiatus of two standing committees: the Electronic Communications Committee and the Public Information and Media Relations Committee.

The Electronic Communications Committee was established when the WSBA was without a robust IT Department and innovative website, both of which it now maintains. The functions of offering technological guidance to solo and small firms is now covered by the Law Office Management Assistance Program and also addressed by the Solo and Small Firm Section. The Public Information and Media Relations Committee has experienced difficulty in achieving

quorums at its meetings and has no clear mission and/or long term goals. In addition, this committee may well merge with the Foundations of Freedom effort. For these reasons, President-elect will not be recommending chairs for these committees and further suggests that they be placed on a hiatus status.

#### Practice of Law Board – Governor Kristal Wiitala

Governor Wiitala reported that the POLB is currently soliciting suggestions for practice areas, and the deadline to submit suggestions is October 15. Governor Wiitala will represent the Board in deliberations about selecting a pilot practice area.

#### Votingforjudges.org – Governor Douglas Lawrence

Governor Lawrence reported that the votingforjudges.org website has received a tremendous amount of press coverage, and is an overall huge success. The WSBA should be proud of the supporting and promotional role it played. Further, work continues with the web designer in translating the site into Spanish as well as insuring its accessibility to those with disabilities.

#### Immediate Past-President Position – Governor Mark Johnson

Governor Johnson reported on the recommendation that the Board amend its bylaws to establish the office of Immediate Past-President (listed as item J. under BOG Matters). Johnson pointed out that the recommendation reads “A President who has completed his or her term and who remains, an active member of the WSBA, *may* assume the office of IPP . . .” considering those presidents who may not wish to serve as IPP. Governor Berg moved, seconded by Governor Bastian, that the Board approve the proposed recommendation and bylaw amendment establishing the office of Immediate Past-President. The motion passed unanimously.

### **LIAISONS’ OPEN FORUM**

#### Judge Judy Eiler – District and Municipal Court Judges Association

Judge Eiler reported on behalf of the DMCJA by acknowledging (a) continued efforts in support of Justice in Jeopardy; (b) support for CrRLJ 4.1/4.2 requiring the presence of a prosecutor and defense counsel at arraignment hearings; and (c) support for training new attorneys. Judge Eiler requested the Board’s support of legislative action allowing the District and Municipal Courts to charge for “by-mail” services.

Greg Dallaire – Access to Justice Board

Greg Dallaire thanked the Board for its support of Access to Justice and further noted that the Memorandum of Agreement between the ATJ Board and the WSBA is working very well. Dallaire commended President Taylor's opening remarks "Proud to be a Lawyer" at the ATJ Conference this past June as an excellent statement of leadership.

Thomas Campbell – Washington Criminal Defense Lawyers

Thomas Campbell expressed WADTL's gratitude for the manner in which the "flat fee" issues and concerns will be handled, WADTL remains confident that the issues will be addressed fairly and amicably by the WSBA Trust Account Responsibilities and Retainers Task Force.

Nicholas Corning – Washington State Trial Lawyers Association

Nicholas Corning expressed WSTLA's gratitude for the WSBA's commitment towards diversity; and the support in preserving and protecting the right to a jury trial; acknowledging the WSBA's work with the legislature and the excellent work Gail Stone, WSBA Legislative Director, does each year. WSTLA's current concerns are in the areas of court funding and the Supreme Court elections, specifically, the amount of money being spent. Corning concluded by noting that WSTLA is a co-sponsor of the [votingforjudges.com](http://votingforjudges.com) web site.

James Macpherson – Washington Trial Defense Lawyers

Jim Macpherson encouraged liaisons to attend Board meetings for purposes of continuity and the resourceful input liaisons provide Board discussions.

Ed Holm – Washington Prosecuting Attorneys

Ed Holm acknowledged WAPA's appreciation for the support provided by the WSBA in public defense through the work of the Committee on Public Defense.

Judge Jay White – Superior Court Judges Association

Judge White thanked the WSBA for its good communications with the Superior Court Judges Association and, specifically, President Taylor for including the judiciary on public education. He cited the Supreme Court races as an example of why an educated electorate is pivotal. The SCJA recognizes the value of liaisons who attend Board meetings on a continual basis, however there are limitations in that some judges are required to take personal vacation time to be at Board meetings. He requested that the WSBA communicate the need of consistency to the various organizations including the SCJA.

## **PRESIDENT AND GOVERNOR SELECTION TASK FORCE – RECOMMENDATION AND FINAL REPORT – James Macpherson, Chair**

Chair Jim Macpherson provided the Board with background history relating to the establishment of this task force. In regards to the President-selection charge, the task force's directive was to provide a process that would create a larger network of presidents-elect. The task force will provide a final report to the Board for its review which will include process options. Governor Berg moved, seconded by Governor Anderson, that the Board acknowledge the valuable work of the President and Governor Selection Task Force and sunset the task force. This does not preclude the task force from submitting its final report. Motion passed unanimously.

President Taylor took this opportunity to thank Macpherson for his service as Chair of the President and Governor Selection Task Force and presented him with a token of appreciation on behalf of the WSBA.

## **2005 – 2006 WYLD REPORT – Noah Davis, President**

President of the WYLD, Noah Davis presented the last report of his 2005 – 2006 WYLD Presidential year. Davis reported that there are approximately 6,000 WYLD members in the state of Washington and the WYLD prides itself as being the public service wing of the WSBA. Davis announced the 2006 Annual WYLD Award recipients.

President Taylor conducted the swearing-in of John M. Brangwin as incoming President of the WYLD. WYLD President-elect Mark O'Halloran and staff liaisons Amy O'Donnell were introduced and acknowledged.

## **CONSENT CALENDAR**

Several items were pulled from the Consent Calendar and the five consent items, as listed below, were approved by circulation of a written consent ballot:

- a. Approve Proposed Modification to the Legislative and Court Rule Comment Policy;
- d. Approve Amendments to Admission to Practice Rules 8 and 14;
- f. Approve WLI Advisory Board Appointment;
- g. Approve 2006-2007 CLE Committee terms; and
- h. Approve Proposed Amendments to WSBA bylaws, Article III, to clarify the annual transition of governance.

Governor Olson noted that her membership on the Foundation Board of Trustees should be reflected as an at-large member (not a BOG member). Governor Lawrence requested item “c”; Governor O’Sullivan requested item “e”; and Governor Anderson requested item “b” be pulled from consent.

Item c.

Approve Proposed Bylaw Amendments of the Washington State Bar Foundation and Washington State Bar Foundation Trustee Appointments.

Governor Lawrence suggested that the proposed revised language of the Foundation’s bylaws, Article 1, Section 2. Annual Meeting, include a time frame of 90 days. Governor Lawrence moved, seconded by Governor Pontarolo that the Board approve the proposed revised language with a further amendment to include the insertion of “within 90 days” as well as the recommended Washington State Bar Foundation Trustee Appointments. The motion passed unanimously.

Item e.

Approve 2007 Pro Bono and Legal Aid Committee Appointments.

Governor O’Sullivan suggested that Jason Vail’s name be struck from the list of Pro Bono and Legal Aid Committee Appointment Recommendations. Governor-elect Vail concurred. Governor Berg moved, seconded by Governor Pontarolo that the Board approve the Pro Bono and Legal Aid Committee Appointments with the exception of Jason Vail. The motion passed unanimously.

Item b.

Approve Proposed Amendment to Amicus Curiae Brief Policy.

Governor Anderson requested clarification on the proposed amendment to the Amicus Curiae Brief Policy as it relates to “public” disclosure. Governor Anderson moved, seconded by Governor Berg that the Board approve the proposed amendment to the Amicus Curiae Brief Policy with a further amendment to delete the word “public” in Section 3. Records Disclosure. The motion passed unanimously.

**RECESS**

President Taylor recessed this Board meeting at 3:31 p.m. on Thursday, September 14, 2006 to allow Board members sufficient time to get to the WSBA Annual Awards Dinner that night.

## **CALL TO ORDER**

President Taylor called this Board meeting to order at 8:58 a.m. on Friday, September 15, 2006 at which time he acknowledged and thanked Judy Berrett and staff for a job well done in coordinating the 2006 Annual Awards Dinner held on the previous evening.

## **AMICUS BRIEF COMMITTEE RECOMMENDATION (STATE VS. GRAHAM) – Lisa Stone, Chair**

Chair Lisa Stone presented the Board with the Amicus Brief Committee recommendation relating to State vs. Graham, a case involving support obligations when parents each take one of the children. Chair Stone described the recommendation that WSBA not file an amicus brief as self-explanatory and noted that the Family Law Section engaged in extensive discussion with the committee however, the request did not meet committee standards for filing. Governor Berg moved, seconded by Governor Lawrence that the Board adopt the recommendation of the Amicus Brief Committee and not file an amicus curiae brief. The motion passed unanimously.

## **FACILITIES COMMITTEE REPORT**

President-elect Dial presented an update on the move to Puget Sound Plaza and reported that all bids received came in under budget and that demolition in PSP has begun. In light of anticipated decisions to be made over the next four months with little turnaround time to make them, the officers and Facilities Committee propose the establishment of a Strike Team with clear, written protocols about the “Delegation of Decision-Making Authority.” The Facilities Committee expects all decisions will fall within the budget appropriated by the Board and in all likelihood will involve minor changes to the final plans. President-elect Dial presented the Board with details of the levels of authority as outlined on the attached memo dated August 28, 2006. Governor Pontarolo moved, seconded by Governor Johnson that the Board adopt the proposed Delegation of Decision-Making Authority. The motion passed unanimously.

## **FISCAL MATTERS – Treasurer Mark Johnson**

Treasurer Mark Johnson reported on a recent meeting with the officers, Chair of the Personnel Committee, and key WSBA staff to discuss long-term fiscal needs of the WSBA. The officers propose that the Board adopt a statement directing staff to curtail spending and/or increase revenues such that the year-end financial statement for the WSBA reflect a \$113,113 loss attributed to expenses related to the move to Puget Sound Plaza which will be paid for with

reserve funds built from prior years' net income. Governor Berg moved, seconded by Governor Pontarolo that the Board adopt the following statement as a caveat to the budget and directive to staff:

*The Board of Governors adopted the FY07 budget at its July 21, 2006 meeting in Port Angeles. The budget was passed showing a deficit of \$806,366. Consistent with prior years' budgets, the Board of Governors desires a balanced budget in 2006-2007. For FY07, the goal should be to achieve a net loss of \$113,113 or less. The net acceptable loss of \$113,113 is attributed to expense related to the move to Puget Sound Plaza which will be paid for using reserves built from prior years' net income. To achieve the desired result of a limited net loss of \$113,113, staff shall attempt to achieve expenses lower than were budgeted balanced with revenue higher than was budgeted. Staff shall report its plans and progress related to this goal to the Budget and Audit Committee at each of the committee's meetings in FY07.*

The motion passed unanimously.

### **LEGISLATIVE ISSUES – WSBA Legislative Director Gail Stone**

Legislative Director Gail Stone reported that Justice in Jeopardy will be entering into its third year of sustained efforts with lots of successes, and presented a pre-session timeline. The BJA Implementation Committee is working with the timeline which will come to the BOG for action at the October 2006 Board meeting. Judge Eiler commended and thanked the Board for its unified approach in working with the BJA. Judge Eiler further cautioned the Board about raising the small claims and District Court surcharges for Dispute Resolution Center fees, since even a small filing fee increase would have an effect on those who have limited funds and live on stretched budgets.

### **BOG RETREAT REPORT**

President-elect Dial reported on discussions with the Long-Range Planning Committee and her request that the incoming LRPC begin to work through the unedited notes from the July BOG Retreat to craft a Long-Range Strategic Plan. Governor Mungia will chair the LRPC and Governor Olson has agreed to remain on the LRPC as its past-chair.

### **BOG MATTERS**

#### **A. WSBA Standing Committee, Board and Panel Appointments**

A lengthy discussion transpired on the disproportionate appointments recommended for the Bar Examiners Committee from the 5th District. It was suggested that the matter be tabled for further review. Governor Berg moved, seconded by Governor Anderson that the Board amend the committee appointments as follows (a) pull two appointments for further review from the

Judicial Recommendation Committee, 5th District; and (b) pull all appointments to the Bar Examiners Committee.

Regulatory Services Department Director Jean McElroy requested that appointments to the Bar Examiners Committee be made at this meeting because assignments for the February bar exam have not been made and it will create a serious delay to wait until the October BOG meeting to take action. Governor de los Santos noted for the record that the Civil Rights Committee was not on the list of appointments and further noticed discrepancies relating to his recommended committee appointments.

Governor Lawrence moved, seconded by Governor O'Sullivan that the Board withdraw the previous motion and moved to amend the committee appointments as follows (a) pull two appointments for further review from the Judicial Recommendation Committee, 5th District; (b) pull the Public Information and Media Relations Committee appointments in its entirety; and (c) pull all new appointments from the 5th District to the Bar Examiners Committee. The motion passed by a vote of 11-2-0. Governors Baker and de los Santos opposed.

**B. WSBA Committee, Board and Panel Chair/Vice-Chair/Co-Chair Appointments**

Governor Bastian moved, seconded by Governor O'Sullivan that the Board approve the chair appointments made by President-elect Ellen Conedera Dial. Governor de los Santos noted for the record that there are no chair recommendations for the Civil Rights Committee. The motion passed with a vote of 11-2-0. Governors Baker and de los Santos against.

**C. WSBA Accessibility Policy and WSBA Accommodation Fund and Procedures**

Executive Director Jan Michels presented the proposed WSBA Accessibility Policy and WSBA Accommodation Fund and Procedures on behalf of the BOG Diversity Committee. Governor Davis moved, seconded by Governor Johnson that the Board adopt the proposed WSBA Accessibility Policy and WSBA Accommodation Fund and Procedures (as modified). Modifications to the WSBA Accommodation Fund and Procedures were incorporated (as attached). Motion passed unanimously.

**D. ABA Resolution RE: Immigration**

Lisa Seifert, Vice Chair of the American Immigration Lawyers Association, Washington Chapter presented an ABA Resolution for Board support. Representatives from the South Asian Bar

Association, International Practice Section and the Latina/o Bar Association were present in support of the proposed ABA Resolution. The WSBA was urged to follow the ABA's lead regarding immigration reform. Governor Bastian moved, seconded by Governor Anderson that the Board adopt the proposed ABA Resolution relating to immigration reform with one typographical correction. The motion passed unanimously. Executive Director Jan Michels will transmit the resolution (as attached) to Washington's Congressional Delegation.

**E. Loan Repayment Assistance Program Appointment**

Deputy Director Paula Littlewood recommended that the Board re-appoint Sue Hoffman to the LRAP Committee from the roster of five applicants. Governor Berg moved, seconded by Governor Anderson that the Board approve the re-appointment of Sue Hoffman to the LRAP Committee. The motion passed unanimously.

**F. Bar Leaders Conference Report – Informational**

**G. Diversity Outreach Reports – Informational**

**H. Civil Rights Committee**

President Taylor provided the background that gave rise to his letter of August 21 to the Chair and Chair Pro-tem of the WSBA Civil Rights Committee. President Taylor reported that the officers determined certain potential actions of the standing committee were not in compliance with GR 12 and were of detriment to the WSBA, therefore the officers agreed that he should immediately send a letter to the WSBA Civil Rights Committee.

Governor de los Santos introduced Robert Gaudet, Chair Pro-tem of the WSBA Civil Rights Committee. Governor de los Santos extended his apology to President Taylor and the Board for the lack of communication from the WSBA Civil Rights Committee. He made the following recommendations: (a) draw and maintain lines of communication; (b) revisit the role of the WSBA Civil Rights Committee and appoint a chair and members to the committee for 2007; and (c) provide the committee with guidance with respect to GR 12 and the WSBA bylaws.

General Counsel Welden suggested that a complete review of the purpose of the standing committee pursuant to the bylaws was in order. Welden reported nonetheless it is clearly not within the authority of any standing committee to request WSBA staff to instruct the Attorney

General to begin prosecution. Further, it is highly doubtful that advising about civil rights issues within public schools are within the purpose of the standing committee.

Governor Johnson represented that the work of the WSBA Civil Rights Committee is extremely important and valued. However it is within the exclusive jurisdiction of the Board to make policy.

Chair Pro-tem Gaudet argued that he disagreed that the committee's actions and proposed resolution were beyond GR 12 and the authority of the committee. President Taylor stated that the proposed resolution of the WSBA Civil Rights Committee is not within the purview of GR 12, the detriment to the WSBA was seen as requiring immediate action, and policy is made at the Board of Governors level not made on the standing committee level. President Taylor concluded by noting the importance of the WSBA Civil Rights Committee and the appropriateness for the WSBA to have a Civil Rights Committee, however reiterated that policy statements come from the Board of Governors and no where else.

#### **I. ABA Discipline Report**

President-elect Dial reported that Governor Lawrence has accepted the appointment as chair to the BOG Discipline Committee. Further, a Supreme Court/WSBA Joint Task Force on Lawyer Discipline is being considered to work with the BOG Discipline Committee to address the recommendations of the recent ABA Discipline Report.

#### **WSBA DIRECTOR'S REPORT – Jean McElroy, Director of Regulatory Services**

Jean McElroy, WSBA Director of Regulatory Services, thanked the Board for the recognition given to the WSBA Directors at the BOG Retreat held in July in Port Angeles. McElroy in turn wanted to take this opportunity to recognize the staff of the WSBA Regulatory Services Department noting the many accomplishments each had achieved over the year as deserving of the Board's recognition. Staff members were introduced and acknowledged by the Board.

#### **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 11:55 a.m. on Friday, September 15, 2005 at which time President-elect Stanley A. Bastian and Governors-elect Russell M. Aoki, Anthony L. Butler, Peter J. Karademos, Edward F. Shea Jr., and Jason T. Vail were sworn into office by the Honorable Jay White, King County Superior Court Judge.

Respectfully submitted,

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M. Janice Michels



# WSBA

To: The Board of Governors

From: Ellen Dial, President-elect and Facilities Committee Chair

Re: Delegation of Decision-Making Authority for the Move to Puget Sound Plaza and Tenant Improvements

Date: August 28, 2006

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As WSBA enters into the final four months of the project to relocate its headquarters to Puget Sound Plaza, numerous decisions will be necessary during this final phase with little turnaround time to make them. Most of these decisions will be in connection with the Tenant Improvement (TI) work with basically two kinds of changes likely to arise. The first is unforeseen conditions on the site. For example, a light fixture may need to be placed in a location other than as drawn by the architects or something may be discovered when a wall is opened up that needs to be addressed. The second is the final selection of finishes, where often the selections can exceed the budget. These changes in finishes are easier to control, but may be valid and desired changes that would have an impact on the TI budget. The Officers and Facilities Committee request the BOG's approval of the protocol outlined below for decision-making authority during this important time.

## **Strike Team**

The Strike Team will be the point for all decisions impacting the budget made during the construction and move phases of the project. The Team will meet weekly following the weekly construction meetings that will include WSBA's Project Manager, Doug Swan & Associates. The Strike Team will be comprised of President-elect Ellen Dial, Deputy Director Paula Littlewood, Finance and Administration Director Julie Mass, Project Manager Doug Swan, and Facilities Committee member Dick Manning.

## **Levels of Decision-Making Authority**

### Project Manager

*The Project Manager, Doug Swan & Associates, will have authority to agree to small changes that are necessary to keep the project moving up to \$5,000 per change with a maximum of \$15,000. These decisions will be with regard to items that do not affect functionality (e.g., rotating lighting fixtures). The Strike Team anticipates that most of these kinds of changes will be under \$2,000. The Project Manager will report all such changes to the Strike Team and they will be shown on the project budget sheet. Where time allows, the Project Manager will strive to bring such decisions to the Strike Team before the decisions are implemented.*

### Strike Team

*The Strike Team will have authority to approve changes up to \$10,000, with a cap of \$30,000 that is inclusive of the Project Manager's cap. If a change will cost more than \$10,000, or if the total of changes will exceed \$30,000, the Treasurer will be contacted. The Treasurer will in turn make a decision whether the full Budget and Audit Committee needs to consider the change.*

For certain decisions, the Strike Team may delegate decision-making authority to another person or committee (e.g., selection of the finishes by the Facilities Committee's Art Subcommittee); however, in such instances, the Strike Team will be notified of the decision to be made by the delegate prior to that decision being implemented regardless of any budget impact.

### Board of Governors

The project budget approved by the Board includes two contingencies: a construction contingency of \$200,000 and a contingency for additional services (such as architects' fees, for example) of \$38,000. The Board of Governors will be consulted on any changes that would cause expenditures to exceed the line-item budget plus approved contingencies. The Strike Team may combine the two contingencies for purposes of approving change orders so long as the remaining total contingency amount is reasonably deemed adequate to complete the project.

## **Action Requested**

A motion adopting this proposed delegation of decision-making authority is required for implementation.



# WSBA

WASHINGTON STATE BAR ASSOCIATION

## **WSBA ACCESSIBILITY POLICY**

(As Approved by the WSBA Board of Governors on September 15, 2006)

### **Preamble**

In 2006, the WSBA established a policy on accessibility to all WSBA services, programs, events, and facilities including section and committee meetings for persons with disabilities.

### **Policy**

WSBA policy is to fully comply with the Americans with Disabilities Act ("ADA") and the Washington State law against discrimination, to provide WSBA services, programs and events, and to use facilities that are accessible to persons with disabilities. The WSBA commits to making reasonable accommodation to encourage full participation in WSBA governance, services, programs and events. Such reasonable accommodation may include sign language interpretation, sound enhancement, or other accommodations requested by persons with disabilities.

1. The WSBA designates the Program Manager, Bar Leaders Division, or his/her designee, in accordance with ADA 28 C.F.R. section 35.107, with the responsibility for coordinating WSBA's compliance with the ADA and assuring accommodation for those participating in WSBA services, programs and events. This staff member, ensuring ADA compliance, will have the necessary training and access to outside expertise, when needed, to assure full implementation of this policy. WSBA compliance contact information shall be made available on the WSBA web site and on all WSBA materials, publications and brochures.
2. WSBA shall adopt and publish procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA.
3. The WSBA will maintain a list of facilities with suitable accommodations for persons with disabilities, as well as accommodation services. In addition, the WSBA will maintain an ongoing procedure for staff to evaluate accommodation services by each facility used by the WSBA.

4. All WSBA programs, services, and event announcements/brochures will contain the phrase “The WSBA is committed to full access by persons with disabilities to this event [or program or service]. If you require accommodation for this event [or program or service], please contact XXX.”
5. Technology is included within the scope of this policy. The WSBA is committed to having the maximally feasible accessibility to its website for persons with disabilities.
6. An Accommodation Fund and Procedures policy has been created to respond and fund reasonable accommodation requests.



# WSBA

WASHINGTON STATE BAR ASSOCIATION

## **WSBA ACCOMMODATION FUND AND PROCEDURES**

(As Approved by the WSBA Board of Governors on September 15, 2006)

### **Preamble**

The WSBA Accommodation Fund and Procedures were developed in 2006 to support the WSBA Accessibility Policy.

### **Purpose**

The WSBA Accommodation Fund and Procedures are established to assure reasonable accommodation to members' participation in WSBA services, programs and events. Accommodation for services, programs and events is available to all members with disabilities. Reasonable accommodation includes such accommodation as sign language interpretation, sound enhancement, or other accommodation requested by members wishing to participate in WSBA services, programs and events.

### **Procedures**

Persons should request accommodation through the WSBA Program Manager, Bar Leaders Division. The request should describe the event or series of events and the accommodation requested. Dialogue with the person requesting accommodation may be necessary to assure the most appropriate accommodation. All accommodation requests should be made as far in advance as possible, at least two weeks in advance of the event is strongly recommended to allow the best accommodation possible.

The WSBA Program Manager, Bar Leaders Division will review the request and outline the reasonable accommodation available. Reimbursement requests or pay-ahead service requests will be handled by the Program Manager, Bar Leaders Division to ensure privacy. Should the request be beyond the expertise of the Program Manager, Bar Leaders Division, even after consultation with the WSBA Human Resources Manager, outside experts will be consulted.

### **Other**

1. The Accommodation Fund is intended primarily for use by WSBA members — other resources are available for WSBA staff accommodation and the Accommodation Fund is not intended to cover other overall accessibility accommodation which are budgeted for separately.

2. The Accommodation Fund is not intended to cover facility or general accommodation needs. These matters will be handled by staff working with the facility at which the meeting or event is to be held.
3. The amount of funding available for accommodation will be set annually as an estimate of need in the budget process but may be modified by the Budget and Audit Committee if further needs arise to assure accommodation. The Program Manager, Bar Leaders Division, shall work with the Deputy Director to prepare a request for increased funding which will be considered by the Budget and Audit Committee at its next meeting. In time sensitive circumstances the Executive Director can preliminarily approve a request which exceeds the Accommodation Fund, so long as the funds are available within the current fiscal year budget, subject to the fiscal responsibility matrix.



WASHINGTON STATE BAR ASSOCIATION  
BOARD OF GOVERNORS

**Resolution Endorsing the American Bar Association's Principles  
in Support of Comprehensive Immigration Reform**

**Whereas**, the Washington State Bar Association supports the American Bar Association's principles in support of comprehensive immigration reform;

**Now, Therefore, It is hereby Resolved That:**

The Washington State Bar Association endorses the American Bar Association's principles in support of comprehensive immigration reform consistent with respect for due process and fundamental fairness.

**Unanimously adopted by the Washington State Bar Association Board of Governors on  
September 15, 2006.**

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M. Janice Michels  
Executive Director