

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste 600, Seattle, WA 98101-2539  
(206) 727-8252  
Fax (206) 727-8314

**MINUTES  
February 8, 2008**

The Practice of Law Board met on Friday February 8, 2008 at the Washington State Bar Association in Seattle, Washington. Those attending were Jeanne Dawes, Steve Crossland, Chair, Hon. Paul Bastine, Vice Chair, Cheryl Kringle, Brian Dano, Rita Bender, Hon. Jane Smith, Renee Schadel and Daniel Perez. Julie Shankland, Board Administrator, Sandra Schilling Investigative Attorney and Elizabeth Turner, Assistant General Counsel also attended.

**EXECUTIVE SESSION**

A motion was made, seconded and passed to enter executive session.

**PUBLIC SESSION**

Kristal Wiitala joined by phone. Doug Lawrence joined in person.  
Nancy Ivarinen joined in person

**MINUTES**

The January 2008 minutes were approved.

**GAL DISCUSSION**

Hon. Paul Bastine stated that another task force may be formed by the judges to address GAL issues. A bill is also pending before the legislature that will clarify GAL and parenting investigators roles and duties. Should the POLB have a role in this task force?

**RETREAT**

The Board discussed the locations, prices and availability of the options.

A motion was made, seconded and passed unanimously to hold the 2008 retreat at Cave B Inn. The alternative or second choice is Sleeping Lady.

**BOG MEETING REPORT**

At Steve Crossland's request Doug Lawrence reported about the BOG meeting. Mr. Lawrence reported that the BOG discussed the budget, program review and a potential political activity bylaw.

## **NASD ARBITRATION ADVISORY OPINION FROM VIRGINIA**

This item was on the agenda for discussion. NASD arbitrations take place in all fifty states. Recently the association providing these arbitrations passed a rule clarifying that although participants may be represented by non lawyers, state rules on UPL apply. One of the issues is that the pro hac vice rule requires a pending lawsuit. After a discussion, the Board determined this issue could not be resolve by circulating an informal opinion to other states. The Board asked for clarification on the following issue: if you're admitted to a federal court that sits here but are not admitted/licensed in WA, can you practice in the federal court here?

A motion was made and seconded to ask Anna to take a look at the state and federal arbitration acts to see if they provide any assistance or guidance, and check with the ABA to see if they have addressed the issue, and come back to us with that. Second. The motion passed unanimously.

A motion was made and seconded to have Anna check with NASD to see what their practice and position have been in the past and include that in her report. Second. The motion passed unanimously.

## **LONG-RANGE PLANNING**

### Subpoena/enforcement

The Board discussed the earlier drafts of a subpoena rule. Currently, the POLB does not have any subpoena authority. The earlier drafts need to be re-circulated. The Board also discussed drafting an amendment to the Consumer Protection Act making UPL a per se violation. Ms. Dawes worries this rule could lead to abusive litigation. Ms. Ivarinen believes this is important because criminal prosecutions are infrequent.

## **OUTREACH**

### Website in other languages

We need to do more outreach in other languages. Mr. Perez will provide information about outreach possibilities. We need to use resources that other committees and organizations have already put into motion.

The meeting was adjourned.