WASHINGTON STATE
BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

May 2-3, 2024

Meeting Materials

Lodge at Columbia Point
Richland, WA
Zoom and Teleconference

Board of Governors Meeting
Lodge at Columbia Point, RICHLAND, WA
May 2-3, 2024

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS

To participate by Zoom or Teleconference:
Thursday, May 2nd : Meeting ID: 868 9453 2956 Passcode: 386873
https://wsba.zoom.us/j/86894532956?pwd=lLtpQnHOGdF0BDgpIY5S-uCoAfbQUw.K7oyT6WYXx21Hbdk

Friday, May 3rd : Meeting ID: 845 7894 1314 Passcode: 548453
https://wsba.zoom.us/j/84578941314?pwd=_82WyS-s_t5EoWGyqDvLKviVII0EOw.f1PYw8KHP2SSYBCl

To participate by phone, call +1 253-205-0468

THURSDAY, MAY 2, 2024

9:00 AM – CALL TO ORDER & WELCOME

☐ **WELCOME & CALL TO ORDER**

MEMBER & PUBLIC COMMENT

☐ **MEMBER AND PUBLIC COMMENTS**

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item, at the President's discretion.

CONSENT CALENDAR

☐ **CONSENT CALENDAR**

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Approve March 7-8, 2024, Board of Governors Meeting Minutes 5
- Accept Presidential Appointments to the Technology Task Force 10
- Approve Judicial Recommendation Committee Recommendations 101

- Awards Committee Recommendations 102
- Personnel Committee Proposed Revised Charter 459

STANDING REPORTS

☐ **PRESIDENT'S REPORT**

☐ **EXECUTIVE DIRECTOR'S REPORT** 103, 465

FY25 PRESIDENT-ELECT ELECTION

☐ **INTERVIEW PRESIDENT-ELECT CANDIDATE FRANCIS ADEWALE** 120

☐ **SELECT PRESIDENT-ELECT FY25**

DISTRICT 1 GOVERNOR ELECTION

☐ **INTERVIEW DISTRICT 1 CANDIDATES** 132

- **Parvin Price** 135
- **Kim Risenmay**.....139

☐ **SELECT DISTRICT 1 GOVERNOR**

EXECUTIVE SESSION

☐ **WSBA FACILITIES**

AGENDA ITEMS & UNFINISHED BUSINESS

☐ **FY25 BUDGET REFORECAST**, Treas. Francis Adewale and Director of Finance Tiffany Lynch 141

12:00 PM – RECESS FOR LOCAL HEROES LUNCHEON

☐ **STRATEGIC PLANNING PROCESS**, Pres. Elect Sunitha Anjilvel and Executive Director Terra Nevitt 455

☐ **PUBLIC ENGAGEMENT PLAN**, Gov. Brent Williams-Ruth and Chief Communications Officer Sara Niegowski 194

AGENDA ITEMS & UNFINISHED BUSINESS

☐ **PROPOSED REGULATORY RULE AMENDMENTS,** Chief Regulatory Counsel Renata Garcia and Associate Director for Regulatory Services Bobby Henry

- **Proposed Changes to APRs, ELCs, and WSBA Bylaws RE Resident Agent Requirement** ..198

- **Proposed Admission Fees**, Chief Regulatory Counsel Renata Garcia and Associate Director for Regulatory Services Bobby Henry 211
- **APR 3 RE LLM Requirements** 235
- **APR 3 RE Bar Licensure Task Force Recommendation RE Admission by Motion** 242

4:00 PM – RECESS

FRIDAY, MAY 3, 2024

10:00 AM – RESUME MEETING

REPORT

☐ **LIMITED LICENSE LEGAL TECHNICIAN (LLLT) BOARD REPORT**, Board Member Sarah Bové, Board Member Christine Carpenter, Board Chair Stephen Crossland 279

AGENDA ITEMS & UNFINISHED BUSINESS

☐ **TAXICAB**, Chair Kyle Sciuchetti and Executive Director Terra Nevitt 298

GOVERNOR ROUNDTABLE

☐ **GOVERNOR ROUNDTABLE**

12:00 PM – RECESS FOR LUNCH BFCBA BOARD

AGENDA ITEMS & UNFINISHED BUSINESS

☐ **PERSONNEL COMMITTEE PROPOSED EXECUTIVE DIRECTOR SUCCESSION PLAN**, Chair Brent Williams-Ruth and Human Resources Director & Chief Culture Officer Glynnis Klinefelter Sio 462

MEETING FEEDBACK

☐ **MEETING FEEDBACK**

INFORMATION

- Committee on Professional Ethics New Advisory Opinion No. 202401.....313
- ABA Delegate Report.....322
- Practice of Law Board Annual Report.....336
- Client Protection Board Annual Report.....362
- Monthly Financial Reports, Unaudited.....390
- General Information.....435

WASHINGTON STATE
BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES
Spokane, WA
March 7-8, 2024

Call to Order and Welcome (link)

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Hunter Abell on Thursday March 07 at 9:07 AM. Governors in attendance were:

Francis Adewale
Matthew Dresden
Mary Rathbone
Tom Ahearne
Kevin Fay
Serena Sayani
Sunitha Anjilvel
Kristina Larry
Brent Williams-Ruth
Todd Bloom
Nam Nguyen
Allison Widney
Jordan Couch
Kari Petrasek

Officers and Executive Staff in attendance were President Hunter Abell, Immediate-Past President Dan Clark, Executive Director Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, Chief Regulatory Counsel Renata Garcia, Director of Finance Tiffany Lynch, General Counsel Julie Shankland, Director of Advancement Kevin Plachy, and Deputy Executive Director Dua Abudiab.

Also in attendance were: Adam Heyman, Adrien Leavitt, Alexander Bernstein, Alyssa Warner, Amanda Kirk, Amy Atterbury, Amy Conners, Andrew Block, Andres Mendez, Anita Khandelwal, Ann Christian, April Tate, Benjamin Swanson, Bobby Henry, Bonnie Middleton-Sterken, Brandon Davis, Brian Shinn, Brittany Porter, Britagne Johnson, Bryanna Collier, Bryson Gilge, Carly Jenkins, Catherine Schur, Chad Enright, Charlie Dow, Chelle Gegax, Chris Comley, Chris Kemp, Chris Seubert, Christie Emrich, Christie Hedman, Cindy Black, Clare Riva, Colby DeVilbiss, Colin Bradshaw, Colin Byrne, Daniel Beekman, Daniel Berner, David Bray, David Montes, Dawson Osborn, Elise Bejvan, Ellie Knowles, Emily Arneson, Emily Willard, Eric Johnson, Geoff Hulsey, George Yeannakis, Haley Brunner, Hana Yamahiro, Hearther Carroll, Hunter Abell, Jackie Laureance, Jackson Moreland, James Boyer, James Coatsworth, Jameson Dumo, Jason Schwarz, Jean (Hannah) McCrum, Jenny Durkan, Jennifer Bartlett, Jennifer Olegario, Jeri Chavez, Jolene Cranley, Jordan

Boege, Julie van Arcken, Juliana Roe, Julianne Unite, Justice Sheryl Gordon McCloud, Katelyn Vena, Katherine Walton, Kathleen Williams, Katie Haslett, Kerry Murray, Kevin Toth, Kirsten Lacko, Kristi Seppi, Larry Jefferson, Laura Yelish, Lei Young, Liz Mustin, Mabel Stone, Maddie Morrison, Malisa Vanyo, Mark Neary, Margeaux Green, Mary Robnett, Mattie McNeil, Maxwood Marion-Soublie, Meg Lacey, Melissa Bailey, Melissa Miller, Meredith Reynolds D'Auteuil, Michael Chin, Michael Schueler, Mike Chait, Mike Greene, Mike Kellogg, Molly Campera, Molly Gilbert, Monique Cohen, Nancy Hawkins, Nancy Isserlis, Paris Eriksen, Raina Wagner, Rex Nolte, Rob Mangone, Roopali Dhingra, Russell Brown, Rusty McGuire, Ryan Golden, Saleena Salango, Sam Sueoka, Sarah Lawson, Sarah Tietz, Shannon Kelley, Shelly Bynum, Shreya Shah, Sophia Byrd McSherry, Sophia Posnock, Steve Adams, Steve Crossland, Steven Lewis, Theodore Hastings, Tiffany Beltran, Travis Mann, Travis Stearns, Victoria Blumhorst, Will Casey.

Member & Public Comments (link)

Jacob Rooksby, Dean of Gonzaga University School of Law, welcomed the Board of Governors to the meeting and thanked the WSBA for coming to campus.

Nancy Hawkins requested the BOG conduct a pro/con analysis of BOG meetings occurring outside the Seattle area.

Consent Calendar (link)

Gov. Williams-Ruth made a motion to approve the consent calendar, The motion passed unanimously.

President's Report (link)

The President's report highlighted the year's ongoing theme related to public engagement through articles, news, and direct interactions. Since the last meeting, the President spoke to undergraduate students at Washington State University's Foley Center with Mr. McGuire, who is actively involved in related efforts. They also engaged with students at Eastern Washington University and have an upcoming event scheduled at Whitworth.

Additionally, the President and Gov. Petrasek recently addressed the Everett Rotary Club, discussing “The Role of Attorneys in an Age of Doubt.” These efforts are part of a broader series of interactions with legal practitioners across the state, including engagements with local county bar associations.

Executive Director's Report (link)

Executive Director Nevitt provided an update about Board of Governor elections and announced that the Washington Supreme Court adopted the majority of the Bar Licensure Task Force's recommendations, including alternatives to the bar exam and the adoption of the NextGen Bar Exam.

Budget Retreat (link)

Treasurer Adewale and Director of Finance Tiffany Lynch presented information about the WSBA's current and future financial outlooks and outlined the 2025 budget process. A straw poll was taken regarding including funding for the innovation and license fee stability funds in the budget, with a final vote of 8 in favor and 3 opposed.

Proposed Comments from Court Rules & Procedures Committee to Proposed Amendments to CR 28 and CR 30 (link)
Chair Mike Chait from the Court Rules and Procedures Committee presented the proposed comments, including the process and reasoning behind the comments, which oppose the proposed amendments. Gov. Fay made a motion to allow the Committee to send the comment to the Court. The motion passed unanimously.

Proposed Amendments to Diversity, Equity, and Inclusion Charter (link)
Cochairs Sunitha Anjilvel and Raina Wagner presented the amendments, which are administrative in nature. Gov. Petrasek made a motion to approve the amendments, seconded by Gov. Williams-Ruth. The motion passed unanimously.

Legal Technology Task Force (link)
Director of Advancement Kevin Plachy provided background on the creation of the task force. Gov. Adewale made a motion to approve the task force charter, seconded by Gov. Anjilvel. The motion passed unanimously. Gov. Williams-Ruth made a motion to approve Jenny Durkan as the task force chair, seconded by Gov. Anjilvel. The motion passed 9 to 1.

Gonzaga Law Student Panel (link)
Four law students participated in a discussion about their concerns and expectations as they enter the legal profession.

Executive Session (link)
President Abell moved the Board to executive session at 2:39 p.m.

Diversity, Equity, and Inclusion Council Request (link)
Gov. Anjilvel moved to authorize the DEI Council to make a written inquiry for information from the City of Seattle's Joint Enforcement Team and the Liquor Control Board regarding their January visits to LGBTQ2S+ bars. The motion died for lack of a second.

Day Two (link)
President Abell called day two to order at 9:04 a.m.

Council on Public Defense Proposed Revised Standards for Indigent Defense and Caseload Limits (link)
Justice Gordon McCloud provided context for the Council on Public Defense's work to study public-defense standards. Council on Public Defense Chair Jason Schwarz presented the recommendations for new standards for indigent defense and caseloads. Gov. Couch made a motion to approve the Council on Public Defense's new proposed Indigent Defense Standards as WSBA standards, seconded by Gov. Nam. The motion passed 12 to 1. Gov. Widney was not present.

County Bar Association Panel (link)

Panelists from various county bar associations provided updates and feedback on local activities and how the WSBA could support them.

Public Engagement Plan (link)

The discussion on the Public Engagement Plan was postponed until the May 2024 meeting.

Governor Roundtable (link)

President Abell provided an opportunity for governors to share their thoughts. Gov. Rathbone acknowledged International Day of the Woman and thanked all women in the legal profession. Gov. Adewale suggested making the bar news available to law students without charge upon request. Executive Director Nevitt mentioned the current distribution of the magazine to law schools and agreed to look into the fiscal impact of Gov. Adewale's suggestion. Gov. Petrasek discussed the distribution of bar magazines at law schools and thanked President Abell for visiting her county. Gov. Clark proposed annual meetings with law clerks and echoed Gov. Adewale's sentiments. Gov. Bloom praised the Public Defender Forum's turnout and expressed gratitude for the defense of his position by Gov. Ahearne. Gov. Couch thanked everyone for their support and well-wishes on the birth of his child.

Meeting Feedback (link)

President Abell invited constructive comments to improve future meetings. Gov. Dresden expressed appreciation for the opportunity to visit Gonzaga University's campus and the importance of building relationships with the law school community. President Abell acknowledged the audio issues encountered during the meeting and confirmed with Rex Nolte that a solution to improve audio quality for future meetings had been identified. No further feedback was provided, and the meeting was adjourned early to allow for safe travel.

Adjournment (link)

President Abell adjourned the meeting at 4:00pm, noting the next meeting scheduled for May 2, 2024, in Richland, Washington.

Respectfully submitted,

Terra Nevitt

WSBA Executive Director & Secretary

Board of Governors Meeting – Motions List
Spokane, WA
March 7-8, 2024

1. Motion to approve the Consent Calendar. Motion passed unanimously.

2. Motion to approve proposed comments from Court Rules & Procedures Committee to proposed amendments to CR 28 and CR 30. The motion passed unanimously.

3. Motion to approve proposed amendments to Diversity, Equity, and Inclusion charter. The motion passed unanimously.

4. Motion to approve Legal Technology Task Force charter. The motion passed unanimously

5. Motion to approve Jenny Durkan as the Legal Technology task force task force chair. The motion passed 9 to 1.

6. Motion to authorize the DEI Council to make a written inquiry for information from the City of Seattle's Joint Enforcement Team and the Liquor Control Board regarding their January visits to LGBTQ2S+ bars. The motion was not seconded.

7. Motion to approve the Council on Public Defense's new proposed Indigent Defense Standards as WSBA standards. The motion passed 12 to 1.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

Jenny Durkan, Legal Technology Task Force Chair

Kevin Plachy, Advancement Department Director

Margeaux Green, Practice Management Advisor

FROM: Hunter Abell, President

DATE: April 11, 2024

RE: Presidential Appointments of members to the Legal Technology Task Force

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CONSENT: Accept the following Presidential Appointments for the Lega Technology Task Force.

At its meeting in March 7-8, 2024, the Board of Governors approved the creation of the Legal Technology Force and its Chair, Jenny Durkan. Upon approval, the Chair and staff liaisons worked with Volunteer Engagement Advisor Paris Eriksen to conduct outreach and recruitment for the member positions. The below individuals were nominated by Member Engagement Co-Chairs Francis Adewale and Matthew Dresden as well as Chair Jenny Durkan, Staff Liaison Margeaux Green and Advancement Department Director Kevin Plachy. I have approved these appointments and note that the Board of Governors has the authority to accept or reject these appointments.

1 Current/Former BOG Member:	Patrick Palace
2 Adjudicative Members:	Sean O'Donnell
	Christon Skinner
1 Law School Representative Member:	Margaret Chon
Public Members:	Kirk Arthur
	Drew Simshaw
WSBA Members:	Michele Carney
	Laura Lemire
	Nicholas Pleasants
	Kenneth Zigler

The term begins upon appointment for the entire 15-month duration of the Task Force.

Attachments:
Legal Technology Task Force – Applicants Materials
Legal Technology Task Force Charter

From: Kirk Arthur
To: Bar Leaders
Subject: [External]WSBA Legal Technology Task Force
Date: Wednesday, March 27, 2024 3:52:12 PM
Attachments: Resume - Kirk Arthur (Microsoft).pdf

> You don't often get email from [redacted] why this is important

WSBA,

Per an email I received from Kari Petrasek, I am interested in being a member of the WSBA's Legal Technology Task Force. I have attached my resume that captures my 15+ years as a Special Agent with the United States Secret Service, as well as my time as a Police Officer in the State of Washington. I have been at Microsoft since 2014 and currently lead our Worldwide Government Solutions team, of which our Public Safety & Justice practice is one of four pillars.

Kirk Arthur
Government Solutions Lead
Microsoft Public Sector
[redacted]

KIRK ARTHUR

[redacted]

Profile: An established leader experienced in leading a multibillion-dollar global government business. Developed and implemented core strategy and field readiness programs across global subsidiaries. Extensive global speaking engagements as a subject matter expert for technology serving governments. Routinely provide internal C-Suite presentations to Microsoft senior leadership (including CEO Satya Nadella and President Brad Smith), as well as executive engagement and sponsorship to strategic global ISV's and SI's. A recognized subject matter expert regarding current and emerging trends impacting governments across public safety and justice, critical infrastructure, transportation, public finance, and public health and social services trends.

Microsoft	**Worldwide Government Solution Sales Lead**	**February 2023 - Present**
	Vice President (interim), Worldwide Government Industry	**June 2019 – December 2020**
	Director, Worldwide Public Safety & Justice	**September 2014 – February 2023**

Key Achievements:

- Currently serve as the global Solution Sales Lead managing a team of former government practitioners focused on supporting mission and business outcomes for government agencies and the role of technology in their success. The team's focus is on Public Safety & Justice, Government Operations & Infrastructure, Public Finance, Transportation, Public Health & Social Services.
- Served 19+ months as the Interim WW Government Industry Vice President (June 2019 – December 2020, November 2021 – December 2021) securing >20% YoY revenue growth on a $12B+ business. Team focuses on delivering strategy and revenue growth for public safety & justice, critical infrastructure, public finance, and public health and social services;
- Lead WW Public Safety & Justice vertical since 2014, growing revenue from $600M to $2.4B – team achieved >17% YoY revenue growth on a $2.4B business in FY23;
- Received **Platinum Club, Circle of Excellence, Award** in 2016 for program management and team collaboration. This is Microsoft's "most prestigious award" and recognizes an individuals contributions to Microsoft's success in achieving key company objectives of "improving its financial results, competing to win, and obsessing about customers and partners."
- Received **Gold Club Award** in 2021, Americas Time Zone, for Government Industry Team (interim Government Industry Vice President and Public Safety & Justice vertical lead). The Gold Club acknowledges an individual's commitment to "exercising a growth mindset in everything you do, whether obsessing over customers and partners or acting inclusively so that as One Microsoft we can make a difference in the lives of others."
- Received **Gold Club Award** in 2019, Americas Time Zone, for Government Industry Team (cross-team collaboration and engagement, Public Safety & Justice revenue grew 26% YoY). The Gold Club acknowledges an individual's commitment to "exercising a growth mindset in everything you do, whether obsessing over customers and partners or acting inclusively so that as One Microsoft we can make a difference in the lives of others."
- Graduate of the EPG Leadership Development Program (LDP) for FY17;
- Recipient of the Executive Briefing Center's "**Performance Excellence**" Award in 2016, 2018, and 2021;
- Completed London Business School: Leading the Way in Public Sector certificate program;
- Completed BDM Conversations and Storytelling in the Digital Transformation Age certificate program;
- Identified as a 'Top Performer' by EPG Public Sector SLT;
- Founding member of the National Center for Spectator Sports Safety and Security (NCS4) Technology Alliance

Activities:

- Served twice as Microsoft's interim Vice President for Worldwide Government developing and delivering a comprehensive growth strategy for the companies 14 subsidiaries that established Microsoft as a thought leader and trusted advisor to governments around the world. Hired industry subject matter experts with strong government backgrounds to change the narrative and approach of our sales organizations and move away from product to mission-focused selling. This is directly influencing the team's revenue growth and Microsoft's reputation within the market.
- In addition to leading the Government Industry team, retained responsibility of managing Microsoft's worldwide Public Safety & Justice vertical team focusing on Coordinated First Response, Investigations & Analysis, Digital Justice, and Corrections. In this capacity, I maintained the team's business strategy, internal readiness, partner recruitment/engagement, and thought leadership with our marketing organizations. I have grown this business from ~$600M in 2014 to ~$2.4B through end of FY23 and continue to see strong MoM revenue growth;

- Routinely present Microsoft's vision and commitment to government and public safety and justice officials (CIO's, CISO's, CEO's, Senior Executive Staff) at the Executive Briefing Center in Redmond and on stage at global conferences;
- Maintain cross-team collaboration with senior executives across our product and engineering teams, as well as our public sector leadership and area vice presidents;
- Work extensively with Microsoft Consulting Services (MCS) to align GTM efforts, conduct joint field engagement events, and participate in customer events.
- Identify, recruit, and onboard key global partners whose solutions leverage Microsoft's platform capabilities to help governments meet mission and program needs. Work collectively with Microsoft's Global Partner Solutions organization to leverage and access appropriate internal resources;
- Ensure Microsoft's participation in key industry conferences with secured keynote speaking engagements to change how Microsoft is viewed by government officials;
- Engage with strategic international organizations (Europol, European Cybercrime Center, RCMP National Cybercrime Center – planning stages, and Eurojust) to share best practices and enhance information sharing;

United States Secret Service **Supervisory Special Agent** **June 1999 –September 2014**

Key Achievements:

- Supervisory Special Agent overseeing the San Francisco Electronic Crimes Task Force and Asset Forfeiture Section (February 2014 – September 2014). Responsible for leading federal/local teams investigating data breaches and network intrusions impacting public and private sector entities;
- Task Force Operations Supervisor overseeing the Seattle Electronic Crimes Task Force (January 2011 – February 2014). Responsible for leading federal/local teams investigating data breaches and network intrusions impacting public and private sector entities;
- Developed policy and program funding requests to the U.S. Department of Homeland Security and the U.S. Congress, Appropriations Committee, as a member of the Assistant Director, Office of Investigations, staff.
- Presidential Protective Division – Served in various roles as a lead advance agent, shift whip, operations agent, transportation agent, and shift agent;
- Recognized by the United States Attorney's Office, Western District of Washington, on three separate occasions for outstanding case work leading to the successful prosecution of multiple defendants.

Activities:

- Supervised a team of highly skilled federal and local law enforcement computer forensic investigators responsible for conducting multi-faceted global investigations involving network intrusion, data breaches, denial of service attacks, and theft of intellectual property;
- Regularly met with executive level management for Fortune 500 companies to review and advise as to best practices and risk mitigation efforts to better enhance their systems and processes against cyber threats. Served as their first point of contact should a breach occur;
- As a member of the Special Projects Division at U.S. Secret Service headquarters under the Office of Investigations, I was responsible for researching, writing, and delivering funding requests to U.S. Secret Service executive leadership in support of the agencies investigative mission. This included the Criminal Investigative Division, Investigative Support Division, and Forensic Services Division; as well as the agencies global network of field offices.
- Extensive experience briefing federal, state and local law enforcement executives regarding the Secret Service's Electronic Crimes Task Force model, fostering relationships and increasing overall membership;
- Participated as a subject matter expert for financial sector conferences and events discussing current and emerging threats to the eCommerce and digital payment platforms;
- Provided direction for investigative priorities for both computer fraud and asset forfeiture investigations;
- Collaborated with federal, state, and local law enforcement entities to champion fraud prevention, incident response, and community outreach relating to current and emerging cyber crime trends;
- Responsible for defining and executing investigative priorities in support of the Secret Service's global initiative to combat cyber crime;
- Defined asset forfeiture mission, identified and fostered private sector relationships with the financial payments industry to push asset forfeiture initiatives;
- Coordinated global investigations on behalf of team with Secret Service headquarters divisions, federal law enforcement offices worldwide, and foreign law enforcement entities;
- Extensive logistical experience moving equipment and personnel throughout the globe in support of the President of the United States' domestic and foreign travel.
- Extensive project management experience leading Secret Service protective advance personnel, U.S. military assets, and White House staff in support of the President of the United States.

Redmond Police Department **Police Officer/SWAT** **June 1997 – June 1999**

Key Achievements:

- Served in the patrol division responding to calls for service, conducting community engagement activities and events, and supporting regional DUI enforcement activities.
- Selected to serve in the Traffic Division focusing on targeted traffic enforcement activities and conduct accident investigations.
- Selected to serve on the Special Weapons and Tactics (SWAT) team. This was an on-call activity in addition to my regular patrol assignments. Responsible for responding to, and training for, crisis intervention activities requiring focused tactical engagement.

Redmond Police Department **Police Officer** **November 1995 – June 1997**

Key Achievements:

- Served in the patrol division responding to calls for service, conducting community engagement activities and events, and supporting regional DUI enforcement activities.

EDUCATION

University of Washington, Bachelor of Arts, Sociology; Seattle, WA 1994

CARNEY & MARCHI, P.S.
ATTORNEYS AT LAW

ATTORNEYS

NICHOLAS MARCHI
MICHELE CARNEY*

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KENNEWICK, WASHINGTON 99336
TELEPHONE: [redacted]

March 14, 2024

WSBA
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539
Via Email – barleaders@wsba.org

RE: Legal Technology Task Force

To Whom it May Concern,

I am interested in serving on the Legal Technology Task Force. I have a keen interest in the intersection of legal technology and ethics and believe I have the experience to bring value to the goals of the task force.

At the present time, I am Innovation and Technology committee Chair of the American Immigration Lawyers Association (AILA - national office). In this role, I lead three subcommittees. The first is focused on government collaboration which includes the technology and digitization efforts of immigration federal agencies. The second is focused on product ideation and new products coming to the market that benefit both the consumer and attorney. Finally, the third subcommittee involves education – which provides educational resources, including roundtables, webinars and other resources for attorneys to learn new advances in legal technology. We are also interested in exploring alternative fee arrangements as moving forward consumers will demand more efficient and affordable legal services.

I have also served as Ethics committee Chair of AILA which does a deep dive into ethical issues surrounding immigration lawyers.

I am also serving on the WSBA Committee on Professional Ethics, where I am on the Artificial Intelligence subcommittee exploring options for a new advisory opinion.

In addition, I am beta testing products for technology companies to give feedback as to the strength and weaknesses of the products. When testing, I am also looking for issues

surrounding the ethics of the AI product, which may include confidentiality leakages with anonymized data and hallucinations.

Finally, I am a frequent speaker at national and international conferences on legal technology/AI and ethics.

This is a subject which I am passionate about because I believe this is a game changer for both attorneys and the consumer and am interested in the progress of legal technology in Washington state.

Sincerely,

Michele Carney (e-signature)

Michele Carney
CARNEY & MARCHI, P.S.

MC/

MICHELE CARNEY
108 S. Washington Street, Suite 406
Seattle, Washington 98104
Phone: (206) 224-0909
Email: mcarney@carmarlaw.com

Legal Experience:

Carney & Marchi, P.S. - Seattle, Washington (1993-Present)
Practice includes immigration and nationality law and consultations on ethics and discipline cases.

Professional Activities:

American Immigration Lawyers Association
Chair, National Innovation and Technology Committee (2023 – Present)
Chair, National Ethics Committee (2021-2023)
Chair of Ethics Compendium Committee (2018-2021)
Chair of Innovation & Technology Government Relation Subcommittee (2022-2023)
National Innovation Technology Summit Committee (2019 -2020)
Online Tutorials for AILA University (2019)
National Annual Conference Committee (2016)
National Fall Conference Committee (2014)
Regional Immigration Conference (2015 and 2016)
Regional Annual Conference Committee (2015)
Board of Directors (Executive Board) – Washington state, Past Chair (2014-2016); Chapter Chair (2013-2014); Treasurer (2012-2013) Programs Chair (2011-2012) Consumer Protection/Professional Responsibility Co-Chair (2010-2011); EOIR liaison committee, Chair (2007-2008); Ethics Liaison (2000-2001); Treasurer and Membership Chair (1997-1999);

Washington State Bar Association
Committee on Professional Ethics (current)
Character and Fitness Board (current)
Adjunct Disciplinary Counsel Panel (current)
Practice of Law Board (2015-09/30/2021)
Disciplinary Board (2014-2017); Vice-Chair (2016) Chair (2017)
Committee on Professional Ethics (alternate) (2017-2018)
Adjunct Disciplinary Counsel Panel (1996 - 2004);
Board of Law Examiners (2000-2002 & 1994-1996);
Law Office Management Assistance Program Committee (2001-2011)

Washington State Supreme Court Work Group on Practice of Law Board (2015)

Washington Women Lawyers
Board of Directors, Membership and State Liaison Committee Chair (1994-1997);

Tombolo Institute, Advisory Board, Bellevue College (2020 – present)

Conference Faculty:

AI and Ethics, WSBA CLE (to be held in July 2024).

Ethics of the Evolving Landscape of Data Privacy, AILA National Conference (to be held in Chicago IL), June 2024

Generative AI advances for lawyers, Utah AILA Chapter, April 2024

Ethical Change Management, Implementing Technology for an Efficient Law Practice, (to be held in Philadelphia, PA), April 2024

Is there Common Ground, Rome District Chapter (held in Amsterdam, Netherlands), March 2024

Hot Topics in Ethics, AILA Washington Chapter, December 2023

GAI and Ethics, AILA Carolinas Chapter*, November 2023*

Ethical Use of AI in Your Practice and How it Affects your Clients (*held in San Francisco, CA*) 2023 AILA Technology Summit, October 2023

Using AI in your Practice, AILA national roundtable, July 2023

Ethics of GPT 4 & beyond, AILA national roundtable, April 2023

Ethics: Managing Client Expectations, AILA Chicago Chapter, *(held in Chicago, IL)*, March 2023

Fiery Ethical Issues in Removal Practice, AILA Texas Chapter, February 2023

Annual Ethics CLE, AILA Washington Chapter, December 2022

Case Management and Ethics of Advanced Naturalization and Litigation, AILA Washington Monthly Meeting, November 2022

Fiery Ethical Issues in Removal Proceedings, AILA Fall Conference (held in Maui, Hawaii), September 2022

Essential Management, How to Handle Small Firm Finances, AILA Roundtable, September 2022 and March 2022.

Role of the Paralegal (Ethics), AILA annual Paralegal Conference, August 2022.

Calmly Navigating the Treacherous Waters of Lozada, IAC Complaints (held in New York), AILA National Conference, June 2022

Common Ethics Complaints against Immigration Attorneys and How to Avoid Them, AILA Upper Midwest Regional CLE, May 2022.

Virtual Assistance for your Practice: Paralegals, Attorneys and other Administrative Assistance, AILA Chicago Chapter, January 2022

Reimagining your Practice in a Changing World, AILA Innovation and Technology Summit, December 2021.

All Things Security in a Virtual Firm, AILA Roundtable (November 2021)

Ethics of Small Firm Law Practice Management in the Covid Era, AILA Washington/Oregon Regional CLE, October 2021.

Ethics and the Role of the Paralegal, AILA Paralegals Annual Conference, August 2021.

Ethics under the Biden Administration, AILA Chicago Chapter, May 2021.

Bleeding Edge Ethics, AILA Santa Clara Chapter meeting, January 2021

"You're are not paranoid, they really are out to get you" Due Diligence in Immigration Cases in the current climate, AILA Annual Conference on Immigration Law (held in Virtual format), July 2020 *Written materials published in Handbook.*

Practicing Immigration Law During a Pandemic or Other Shutdown, WSBA Live Webinar, August 2020.

Ethics in Waiver Cases. Focus on Model Rules 3.3 and 4.1., Chicago Chapter, February 2016 *Written materials published in Handbook.*

Fee Agreements In Removal Proceedings, AILA National Annual Conference, Las Vegas 2016 *Written materials published in Handbook.*

Removal Defense basics, AILA WA/Oregon Northwest Regional Immigration Law Conference, March 2016

USCIS Fraud Investigations, AILA National Annual Conference, National Harbor, MD, *Written materials published in Handbook.*

Ethics for Removal proceedings, AILA-NW Regional Conference, 2015. *Written materials published in Handbook.*

Removal proceedings panel, AILA Regional Conference, 2014 *Written materials published in Handbook.*

Publications:

Getting Real about USCIS Technology and Us, AILA March 2024

How to Navigate Legal Fees in Unpredictable Removal Cases, AILA March 2024

EOIR's New Limited Practice Professional Conduct Rule: Ethical and Practical Implications, AILA March 2023

Guidance on Refunds of Flat Fees under Prosecutorial Discretion Relief, AILA, May 2022.

Think Immigration: How Legal Ethics has Evolved in Immigration Practice, AILA, May 2022

Bite-Sized Ethics: Simple Tips for Avoiding a Disciplinary Complaint in Immigration Court, AILA, April 2022.

Ethical Duties for Prosecutorial Discretion Requests, AILA, September 2021.

The Ethics of Engaging Freelance Paralegals in the Practice of Immigration Law, AILA, April 2021.

Taking the Measure of Lozada, AILA, April 2021.

Contributing author on compendium chapters on *ABA Model Rules 1.16 (Declining and Terminating Representation),1.5 (Fees)., 1.4 (Communication), 3.3 (Candor towards the Tribunal)*, AILA Ethics Compendium on Immigration Law 2014 – 2020.

Mastering the Myriad Challenges of Immigration Court, American Immigration Lawyers Association, October 2020.

Ethical Considerations Ethical Considerations Related to Affirmatively filing an application for Asylum for the Purpose of Applying for Cancellation of Removal and Adjustment of Status for a Nonpermanent Resident, American Immigration Lawyers Association, originally written in 2016 and updated in 2020.

Immigration Lawyers Guide to Delivering Online Legal Services, American Immigration Lawyers Association, 2020.

Also see written materials for conferences noted above.

News Articles:

'*Only a matter of time.' at this Washington state immigrant detention center, attorneys believe a coronavirus outbreak is inevitable*, Time Magazine, March 13, 2020.

Like sitting Ducks, Amid Coronavirus, families, attorneys sound alarm over ICE, NBC News, March 29, 2020.

Effects of Coronavirus on Undocumented Immigrants, Jurist, May 12, 2020.

Podcast:

Conversations with Discipline Counsel Podcast Series – two states covered – Texas and Illinois, AILA, Episodes 2 & 9 (2021).

AILA University:

Faculty, *Online Legal Law firms, Friend or Foe*, AILA University, September 2020.

Faculty, *Ethics on Minimum Fees*, AILA University, September 2019.

Faculty, *How Much can you Charge for your Services?,* AILA University, September 2019.

Faculty, *The Ethics of Hourly Billing*, AILA University, September 2019.

Court and Bar Membership:

Texas State Bar, admitted 1991
Washington State Bar, admitted 1992
U.S. District Court for the Eastern & Western Districts of Washington
United States Court of Appeals for the Ninth Circuit

Education:

Southern Methodist University School of Law,
Degree of Juris Doctor received, May 1991

McGill University, Montreal, PQ, Canada
Bachelor of Arts, Political Theory; 1984

Pro Bono:

AILAWA Rapid Response Co-Chair responding to the urgent needs of the community on immigration cases – past work on Afghan and Ukrainian projects to provide sustainable attorney assistance on cases.

CARA Project, Dilley Texas - pro bono attorney for Family Residential Detention Center in Dilley Texas. Travelled to Dilley, TX in February 2016 to assist detained women and children from Central America.

Also have volunteered for One America Citizenship Day and through AILAWA on detained cases in Tacoma in the past.

SEATTLEU
SCHOOL OF LAW

[redacted]
P: [redacted]
F: [redacted]

March 29, 2024

RE: WSBA Legal Technology Task Force

Dear WSBA President, Members, and Task Force Chair:

Please accept my application for a law school representative position on the newly formed legal technology task force ("task force"). Having worked with the late Hon. Donald Horowitz on the Access to Justice Technology Bill of Rights, I view the task force as the most recent iteration of ensuring that access to justice principles are embedded in emerging technologies and the justice system. It would be my privilege to partner with WSBA in this effort.

I am currently a faculty co-chair of the Seattle University School of Law program in Technology, Innovation Law, and Ethics (TILE). For over thirty years, I've regularly taught and published in technology-adjacent areas of law such as intellectual property, and have taught civil procedure. In addition, I employ several TILE research assistants who would be very interested in helping the task force with any issue analysis or policy papers.

Thank you for your consideration.

Sincerely,

Margaret Chon
Donald & Lynda Horowitz Endowed Chair
for the Pursuit of Justice

Attachments: c.v.

Margaret Chon

Seattle University School of Law
[redacted]
[redacted] (voice)
[redacted] (fax)

[redacted] (e-mail)

Updated March 2024

CURRENT POSITION

Donald and Lynda Horowitz Endowed Chair for the Pursuit of Justice
Seattle University School of Law 2008-present

Faculty Co-Director, Technology, Innovation Law, and Ethics Program
2023-present

ACADEMIC APPOINTMENTS

Visiting Fellow, Leuven University
Global Law Professor Program spring 2019

Visiting Professor, Tel Aviv University
Buchman Faculty of Law winter 2016-17

Visiting Professor, Michigan State University College of Law
Intellectual Property Law Summer Institute
(in conjunction with University of Rijeka, Croatia) summer 2016

Emile Noël Research Fellow
Jean Monnet Center for International and Regional Economic Law & Justice
New York University School of Law 2011-12

Associate Dean for Research
Seattle University School of Law 2009-11

Visiting Professor
University of Notre Dame Law School fall 2010

Visiting Professor, Munich Intellectual Property Law Center
(George Washington University Law School and
Max Planck Institute for Intellectual Property, Tax
and Competition Law) summer 2009

Visiting Professor
University of Michigan Law School winter term 2009

	Visiting Professor, Lund University (Sweden) Suffolk University Law School Summer Program	summer 2008
	Visiting Professor, University of Hawai'i William S. Richardson School of Law	J-term 2007
	Director, Center for the Study of Justice in Society Seattle University	2006-08
	Visiting Professor, Semester at Sea	summer 2003
	Visiting Associate Professor University of Washington School of Law	summer 1999, summer 2001
	Visiting Associate Professor Jilin University School of Law (China) 12th Annual Workshop on American Law Committee on Legal Education Exchange with China	summer 2000
	Associate Professor (with tenure) Seattle University School of Law	1997-2003
	Visiting Associate Professor Seattle University School of Law	1996-97
	Associate Professor Syracuse University College of Law (tenured 1996)	1994-96
	Assistant Professor Syracuse University College of Law	1991-94
OTHER LEGAL EMPLOYMENT	Law Clerk to the Honorable Dolores K. Sloviter U.S. Court of Appeals for the Third Circuit	1991
	Litigation and Intellectual Property Associate Schnader, Harrison, Segal & Lewis	1988-91
	Law Clerk to the Honorable A. Leon Higginbotham, Jr. U.S. Court of Appeals for the Third Circuit	1987-88
	Staff Attorney U.S. Court of Appeals for the Third Circuit	1986-88

	Summer Associate, Baker & McKenzie	1985
	Summer Law Clerk, Douvan & Barnett	1984
EDUCATION	University of Michigan Law School J.D. *cum laude*	1986
	University of Michigan School of Public Health M.H.S.A. (Health Services Administration)	1981
	Cornell University College of Arts and Science A.B. (Biology; concentration in Genetics)	1979
AWARDS, GRANTS, HONORS	Fellow, American Bar Foundation	2016
	Member, American Law Institute	2016
	Joint Grantee, California Civil Liberties Public Education Program	2009, 2002
	Dean's Distinguished Scholar Seattle University School of Law	2005-06
	Seattle University Summer Faculty Fellowship	2000
	Joint Grantee, Law School Curriculum Project, U.S. Civil Liberties Public Education Fund ($100,000)	1997
	Editorial Board, Michigan Yearbook of International Legal Studies (now Michigan Journal of International Law)	1985-86

LAW TEACHING

Innovation & Intellectual Property

Copyright	2003-23
Intellectual Property (survey)	1997-present
International Intellectual Property Law	2005-present
Intellectual Property and Development	2010-19
Advanced Topics in IP Seminars	2006-13
Intellectual Property externship	2000-02

Other Innovation and Technology Courses

The Lawyer's Role in Entrepreneurship

and Innovation	2015-20
Law, Technology, and Ethics in an Age of Business Innovation (LL.M. requirement)	2017-19
Intellectual Property: Law, Society and Technology (1L elective)	2013, 2014
Internet Law	1997-99
Information Law & Policy seminar	1996
Computers and the Law	1993-95

Procedure

Civil Procedure	1991-present
Administrative Law	1997

***Race and** Critical Theory*

Race and the Law	2000-19
Global Critical Race Feminism	2003
The Asian American Experience	1981-85

Skills

Law Firm (Legal Writing and Skills)	1991-96
Professional Responsibility	1992-95

Other

Seminar in selected health care issues of developing countries	1981

FORTHCOMING SCHOLARSHIP

"Certification Marks" and "*Goodwill*" in ELGAR ENCYCLOPEDIA OF INTELLECTUAL PROPERTY LAW (Paul Torremans, Irini Stamatoudi, Marco Ricolfi & Peter Yu, eds., forthcoming 2024)

Relational Innovation, Berkeley Technology Law Journal (forthcoming 2024)

The Purpose of Progress? A Response to Ned Snow's Immorality and Intellectual Property, Texas A&M Journal of Property Law (forthcoming 2024)

Abuse of Copyright: An Intervention into Racial Inequity (with Olufunmilayo Orewa and Jacqueline Lipton)

PUBLICATIONS

Articles

Emotions and Intellectual Property, 54 Akron L. Rev. 529 (2020)

Kondoing Steele v. Bulova: The Extraterritorial Application of the Lanham Act via the Effects Test, 25 Boston University Journal of Science and Technology Law 101 (2019)

Trademark Goodwill as a Public Good: Brands and Innovations in Corporate Social Responsibility, 21 Lewis and Clark Law Review 277 (2017)

Tracermarks: A Proposed Information Intervention, 53 Houston Law Review 101 (2015)

Slow Logo: Brand Citizenship in Global Value Networks, 47 UC Davis Law Review 935 (2014)

Notes on a Geography of Global Intellectual Property, 6 W.I.P.O.J. 16 (2014)

The Romantic Collective Author, 14 Vanderbilt Journal of Entertainment and Technology Law 829 (2012)

Sticky Knowledge in Copyright, 2011 Wisconsin Law Review 177

Crowdsourcing the Work-Family Debate: Introduction, 34 Seattle U. L. Rev. 649 (2011) (colloquium on Joan C. Williams, RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER)

Global Intellectual Property Governance (Under Construction), 12 Theoretical Inquiries in Law 349 (2011)

Intellectual Property Equality, 9 Seattle Journal for Social Justice (2010)

Remembering and Repairing: Before Us, In Our Presence, 8 Seattle Journal for Social Justice 643 (2010)

Marks of Rectitude, 77 Fordham L. Rev. 2311 (2009)

Slouching Towards Development in International Intellectual Property, Winter 2007 Mich. St. L. Rev. 71, with Denis Borges Barbosa and Andrés Moncayo von Hase; reprinted in ANUARIO ANDINO DE DERECHOS INTELECTUALES (ANDEAN YEAERBOOK OF INTELLECTUAL PROPERTY (Baldo Kresalja Rosselló ed., 2012)

Intellectual Property From Below: Copyright and Capability for Education, 40 UC Davis Law Review 803 (2007); excerpted in HUMAN RIGHTS AND INTELLECTUAL PROPERTY: MAPPING THE GLOBAL INTERFACE (Graeme Austin and Laurence Helfer, eds., Cambridge University Press 2010)

Intellectual Property and the Development Divide, 27 Cardozo Law Review 2821 (April 2006)

Walking While Muslim, 68 Law and Contemporary Problems 215 (Spring 2005), with Donna E. Arzt (to be republished in ISLAMAPHOBIA AND THE LAW (Khaled Beydoun and Cyra Akila Choudhury, eds., Cambridge University Press, forthcoming))

Erasing Race? A Critical Race Feminist View of Internet Identity Shifting, 3 Iowa Journal of Gender, Race & Justice 439 (Spring 2000)

The Marketplace of Ideas in Cyberspace, 51 Mercer Law Review 859 (Spring 2000)

Radical Plural Democracy and the Internet, 33 California Western Law Review 143 (Spring 1997)

Chon on Chen on Chang, 81 Iowa Law Review 1535 (April 1996)

New Wine Bursting From Old Bottles: Collaborative Internet Art, Joint Works, and Entrepreneurship, 75 Oregon Law Review 257 (Spring 1996)

On the Need for Asian American Narratives in Law: Ethnic Specimens, Native Informants, Storytelling and Silences, 3 UCLA Asian Pacific American Law Journal 4 (Fall 1995)

Postmodern 'Progress': Reconsidering the Copyright and Patent Power, 43 DePaul Law Review 97 (1993)

Books

IMPROVING INTELLECTUAL PROPERTY: A GLOBAL PROJECT (Susy Frankel, Margaret Chon, Graeme Dinwoodie, Barbara Lauriat & Jens Schovsbo, eds., Edward Elgar 2023)

RACE, RIGHTS, AND NATIONAL SECURITY: LAW AND THE JAPANESE AMERICAN INCARCERATION (with Eric Yamamoto & Lori Bannai, Aspen/Wolter Kluwer Law & Business, 2020)

CAMBRIDGE HANDBOOK ON PUBLIC-PRIVATE PARTNERSHIPS, INTELLECTUAL PROPERTY GOVERNANCE, AND SUSTAINABLE DEVELOPMENT (co-edited with Pedro Roffe & Ahmed Abdel-Latif, Cambridge University Press 2018)

RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT, 2d. ed., with Eric Yamamoto, Jerry Kang, Carol Izumi & Frank Wu (Wolters Kluwer/Aspen Law & Business 2013)

RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT, with Eric Yamamoto, Jerry Kang, Carol Izumi & Frank Wu (Aspen Law & Business 2001)

Book Chapters, Review Essays, etc.

The Peoples' Copyright (a response to Kristelia García, *The Emperor's New Copyright*), 103 Boston Univ. L. Rev. 101 (2023)

Introductory Comments, Broadband, Social Justice, and the Future of Universal Connectivity (TILE Launch Keynote), 14 Seattle Journal of Technology, Environmental & Innovation Law (2023)

Inside or Outside?: Remarks on *Abitron v. Hetronic* (U.S. 2023) 23 Chi.-Kent J. Intell. Prop. 149 (2023)

The Indians Who Were Not Heard and the Band That Must Not Be Named (with Robert Chang), *in* INTELLECTUAL PROPERTY AND SOCIAL JUSTICE (Lateef Mtima & Steven Jamar, eds., Cambridge University Press 2023)

Trademark Extraterritoriality: Abitron v. Hetronic *Does Not Go the Distance* (with Christine Haight Farley), Technology and Marketing Blog (2023)

Prioritizing Intellectual Property's Freedom to Operate, in IMPROVING INTELLECTUAL PROPERTY: A GLOBAL PROJECT (Susy Frankel, Margaret Chon, Graeme Dinwoodie, Barbara Lauriat & Jens Schovsbo, eds., Edward Elgar 2023)

Precarity and Progress, BU Law Review Online Symposium (May 2022) (comment on Jessica Silbey's AGAINST PROGRESS: INTELLECTUAL PROPERTY AND FUNDAMENTAL VALUES IN THE INTERNET AGE)

Amici Brief*, Abitron v. Hetronic,* No. 21-1043, U.S. Supreme Court (October Term 2022) (filed December 2022)

Fire of Genius Podcast: Special Volume Ep. 2: Margaret Chon by Fire of Genius (anchor.fm) (December 2021)

IP and Critical Theories, *in* METHODOLOGIES *in* HANDBOOK OF INTELLECTUAL PROPERTY RESEARCH: LENSES, METHODS, AND PERSPECTIVES (Irene Calboli & Lillà Montagnani, eds., Oxford University Press, 2021)

Coronavirus and Korematsu, *Lawyer Magazine*, Spring 2021 by Seattle University School of Law - issuu/24 (Spring 2021)

Discovery Podcast: *Redress, Reparations and the the Fight for Racial Justice* (February 2021)

Comments, Proceedings of the American Society of International Law Annual Meeting 2021, Fifth Annual Detlev F. Vagts Roundtable on Transnational Law: Conceptualizing Intellectual Property as a Social Determinant of Health (2021)

Certification and Collective Marks in the U.S., in CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (Jane Ginsburg & Irene Calboli, eds., Cambridge University Press, 2020)

Intellectual Property Infringement and the Right to Say No (review of Anita Bernstein, THE COMMON LAW INSIDE THE FEMALE BODY), Northwestern University Law Review Online (2019)

Toward Global Knowledge Governance: IP and the Sustainable Development Goals, American University International Law Review (2019)

Trademark Goodwill and Green Global Value Networks, in INTELLECTUAL PROPERTY AND CLEAN ENERGY: THE PARIS AGREEMENT AND CLIMATE JUSTICE (Matthew Rimmer, ed., Springer Nature Singapore, 2018)

The Greatest Generational Impact: The Open Neuroscience Movement as an Emerging Knowledge Commons (with Maja Larson), in GOVERNING MEDICAL COMMONS (Brett Frischmann, Michael Madison and Katherine J. Strandburg, eds., Cambridge University Press, 2017)

Copyright's Other Functions: A Partial Reply to Judge McKeown, 15 Chicago-Kent Journal of Intellectual Property 101 (2016)

Leveraging Certification Marks for Public Health, in INTELLECTUAL PROPERTY AND HEALTH-RELATED GOODS EMERGING ISSUES, CHALLENGES AND OPPORTUNITIES FOR IP REGIMES (Alberto Alemanno and Enrico Bonadio, eds., Edward Elgar Press, 2016) (reviewed by Irene Calboli at https://intl.jotwell.com/can-certification-marks-promote-health-related-goals/)

An Economy of Scarcity (of Smart Information), in THE INTERNET AND THE EMERGING IMPORTANCE OF NEW FORMS OF INTELLECTUAL PROPERTY (Susy Frankel and Daniel Gervais, eds., Wolters Kluwer, 2016)

Slow Logo: Brand Citizenship in Global Value Networks, SAGE HANDBOOK OF IP (Matthew David and Deborah Halbert, eds., Sage Publications 2015) (simultaneous publication with UC Davis Law Review)

Intellectual Property and Theories of Developmental Justice, in INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT: STRATEGIES TO OPTIMIZE ECONOMIC DEVELOPMENT IN A TRIPS PLUS ERA, 2nd ed. (Daniel Gervais, ed., Oxford University Press, 2014)

Marks and More(s): Certification in Global Value Chains, in TRADEMARK PROTECTION AND TERRITORIALITY CHALLENGES IN A GLOBAL ECONOMY (Irene Calboli and Edward Lee, eds., Edward Elgar Press 2014)

PPPs in Global IP (Public-Private Partnerships in Global Intellectual Property), Jean Monnet Center for International and Regional Economic Law and Justice (2013); reprinted in METHODS AND PERSPECTIVES IN INTELLECTUAL PROPERTY (Graeme Dinwoodie, ed., Edward Elgar Press 2013)

Derrick A. Bell, Jr.: Serving Two Masters Elegantly, 36 Seattle U. L. Rev. xii (2013)

Review of INTELLECTUAL PROPERTY, HUMAN RIGHTS AND DEVELOPMENT: THE ROLE OF NGOS AND SOCIAL MOVEMENTS, 2 IP Law Book Review 63 (2012)

[Keith Aoki:] Supercolleague, 45 UC Davis Law Review 101 (2012)

[Keith Aoki:] Law Professor as Artist, 90 Oregon Law Review 1251 (2012)

Copyright and Capability for Education: An Approach from Below in INTELLECTUAL PROPERTY AND HUMAN DEVELOPMENT: CURRENT TRENDS AND FUTURE SCENARIOS (Tzen Wong, Public Interest Intellectual Property Advisors, and Graham Dutfield, eds.,2011, Cambridge University Press)

A Rough Guide to Global Intellectual Property Pluralism in WORKING WITHIN THE BOUNDARIES OF INTELLECTUAL PROPERTY (Rochelle Dreyfuss, Harry First and Diane Zimmerman, eds., 2010, Oxford University Press)

A Substantive Equality Principle Within Global Copyright, in QUESTIONS ON COPYRIGHT (Faculdade de Direitos de Campos [Brazil], ed.) (2009)

Substantive Equality in International Intellectual Property Norm-Setting and Interpretation, in INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT: STRATEGIES TO OPTIMIZE ECONOMIC DEVELOPMENT IN A TRIPS PLUS ERA 475 (Daniel Gervais, ed., 2007, Oxford University Press)

A Constituição do Comércio e a Jornada da Lei de Propriedade Intelectual para o Progresso. II Seminario Internacional Patentes, Inovação e Desenvolvimento SIPID 2007 (Marcos H.C. Oliveira and Claudia I. Chamas, eds.) ABIFINA, Rio de Janeiro, Brazil (June 2007)

Resurrecting Korematsu: Post 9/11 National Security Restrictions on Civil Liberties, with Eric Yamamoto (July 2003), an update to RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT

Book Review of DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE, 29 Amerasia Journal 267 (2003)

Erasing Race? A Critical Race Feminist View of Internet Identity Shifting, 3 Iowa Journal of Gender, Race & Justice 439 (Spring 2000); reprinted in CYBERETHICS (Halbert and Inguili, eds. 2001); CRITICAL RACE FEMINISM: A READER 2d ed., New York University Press, Adrien Wing, ed. 2003)

Reflections on Asian American Heritage Month (distributed by the Progressive Media Network and re-published under various titles, May 2002)

Joint Comment on WIPO Draft Report: Intellectual Property Needs and Expectations of Traditional Knowledge Holders (with Shubha Ghosh) (Fall 2000)

When Bias Compounds: Insuring Justice for Women of Color in the Courts, for the Washington State Supreme Court Gender and Justice and Minority and Justice Commissions (with Marilyn Berger, adapted from curriculum distributed by the National Center for State Courts) (Summer 2000)

A Symposium Tribute to Judge A. Leon Higginbotham, Jr.: The Mentor and His Message, 33 Loyola-LA Law Review 973 (April 2000)

Introduction: Critical Race Praxis and Legal Scholarship, 5 Michigan Journal of Race and Law 35 (Fall 1999)

Guest Co-editor, Symposium on Race, Law and Film, 5 Asian Law Journal 1 (May 1998)

New Wine Bursting From Old Bottles: Collaborative Internet Art, Joint Works, and Entrepreneurship, 75 Oregon Law Review 257 (Spring 1996), reprinted in A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER, Richard Chused, ed. (1998)

Acting Upon IMMIGRANT ACTS: ON ASIAN AMERICAN CULTURAL POLITICS, 76 Oregon Law Review 765 (Fall 1997)

Being Between: A Review of CHINESE WOMEN TRAVERSING DIASPORA: MEMOIRS, ESSAYS, AND POETRY, 17 Loyola Arts & Entertainment Law Journal 571 (1997)

Introduction, Internet Law Symposium, 20 Seattle U. L. Rev. 613 (Spring 1997)

Resource Review of CYBERSPACE AND THE LAW, 5 Internet Research 91 (1995)

1997 Civil Rights Directory, NAPABA Civil Rights Committee Resource Book 1996, National Asian Pacific American Bar Association Civil Rights Committee (with Christopher D. Anderson and Brett C. Vinson) (November 1997)

Bibliography, NAPABA Civil Rights Committee Resource Book 1996, National Asian Pacific American Civil Rights Committee (with Khoa Nguyen and Charles Kim) (November 1996)

Bibliography, NAPABA Civil Rights Committee Resource Book 1995, National Asian Pacific American Bar Association Civil Rights Committee (with Sandeep Baweja and various APALSA students) (November1995)

Analyses of various bills sponsored in the NY State Senate by Sen. Frank Padavan (with various APALSA students) (spring 1995)

National Asian Pacific American Bar Association, *Combatting Anti-Asian/Pacific Islander Violence*, Statutory Appendix (October 1993), 1 Syr. J. of Leg. & Policy 47 (Spring 1995)

False Flattery Gets Us Nowhere, New York Newsday op-ed (Oct. 28, 1994); reprinted in THE BELL CURVE DEBATE: A READER (R. Jacoby and N. Glauberman, eds. (1995))

Sex Stories: A Review of SEX AND REASON, 62 George Washington Law Review 101 (1993), reprinted in EMPLOYMENT DISCRIMINATION LAW (McDonald and Ravitch, eds., 2005)

Statutory supplement to Anti-Asian Violence Manual, National Asian Pacific American Bar Association Civil Rights Committee (with various APALSA students) (October 1993)

Reasons for Reasoning About Sex, The Eyes of Justice (proceedings of the Seventh Round Table on Law and Semiotics, Center for Semiotic Research in Law, Government and Economics at Penn State, R. Kevelson, ed., 1993)

Multidimensional Lawyering and Professional Responsibility, 43 Syracuse Law Review 1137 (1992)

Retention of knowledge and self-care skills after an intensive in-patient diabetes education program, 2 Diabetes Research and Clinical Practice 51-57 (1986) (with Margaret Howard, Carol Barnett and Fredric M. Wolf)

PRESENTATIONS

Panelist, Innovation, Symposium Celebrating Pamela Samuelson, Berkeley Law School (November 2023)

Panelist, Beyond Multilateral Intellectual Law, International Law Association American Branch, Fordham University School of Law (October 2023)

Panelist, Book Symposium, Texas A&M University School of Law (October 2023)

Panelist, Abitron Austria GmbH v. Hetronic International, Inc., 2023 Supreme Court IP Review, Chicago-Kent College of Law (September 2023)

Presenter, USPTO Stakeholder Listening Session: U.S. intellectual property priorities abroad, University of Washington (August 2023)

Presenter, The Future of the Global Intellectual Property System Workshop, University of British Columbia (June 2023)

Presenter, User Rights Network Symposium: Protecting Copyright User Rights from Contractual Override, American University Washington College of Law (May 2023)

Moderator, Diversity Enhancing Intellectual Property, Sixth Annual Innovation and Technology Law Conference, Seattle University School of Law (May 2023)

Organizer and Presenter, Imperial Scholarship Revisited, Race + IP 2023, University of Pittsburgh School of Law (April 2023)

Presenter, Creativity and Innovation Is Local" Symposium, Texas A&M University School of Law (March – April 2023)

Organizer and Moderator, DreyFEST, New York University School of Law (March 2023)

Organizer and Presenter, Seattle American IP Inn of Court (November 2022)

Presenter, Mosaic IP 2022, Marquette University School of Law (October 2022)

Presenter, Intellectual Property Scholars Conference, Stanford Law School (August 2022)

Presenter, Colloquium on Philosophical Approaches to IP, Technology, Innovation, and Intellectual Property Program, Classical Liberal Institute, New York University (June 2022)

Participant, Seattle American IP Inn of Court (February 2022)

Presenter, Marshall Law Symposium, University of Indiana Maurer School of Law (October 2021)

Presenter, Law Librarians of Puget Sound (June 2021)

Presenter, Where are You Really From?, King County Superior Court (May 2021)

Presenter, Race+IP '21, FAMU College of Law (April 2021)

Presenter, Chicago IP Colloquium, Chicago-Kent College of Law and Loyola University Chicago School of Law (April 2021)

Presenter, Cultural Misappropriation, Roger Williams University School of Law (March 2021)

Presenter, Dialogue of Experts, IPR Centre, University of Turku (March 2021)

Commentator, International IP Roundtable, Chicago-Kent-IIT (March 2021)

Presenter, 1L Perspectives, University of Washington (January 2021)

Presenter, University of Akron IP Scholars Forum (December 2020)

Presenter, IP, Technology & Social Justice in the Time of Coronavirus, UIC John Marshall Law School and Institute for Intellectual Property and Social Justice (September 2020)

Interview with the Hungarian legal publication Mandiner for a series on contemporary constitutional challenges (on modern dilemmas of intellectual property and development) (September 2020)

Commentator, Proceedings of the American Society of International Law 2021, Fifth Annual Detlev F. Vagts Roundtable on Transnational Law: Conceptualizing Intellectual Property as a Social Determinant of Health (June 2020)

Presenter, King County Bar Association Intellectual Property Section (December 2019)

Keynote Presenter, Suffolk University School of Law, IP and Innovation Conference (October 2019)

Participant, Howard Law School Institute for Intellectual Property and Social Justice Mosaic '19 Workshop on Intellectual Property and Social Justice (October 2019)

Panelist, Harvard Law School, Innovation, Justice and Globalization (September 2019)

Panelist, Gonzaga University School of Law Center for Civil and Human Rights, Social Justice and Intellectual Property Conference (September 2019, forthcoming)

Presenter, *Kondo-ing Steele v. Bulova*, Intellectual Property Scholars Conference 2019, DePaul University College of Law (August 2019)

Presenter, Kip Tokuda Memorial Washington Civil Liberties Public Education Program, Injustice of the WWII Japanese American Incarceration: Workshops for Washington State Teachers (April and May 2019)

Commentator, Orly Lobel, YOU DON'T OWN ME: HOW MATTEL V. MGA ENTERTAINMENT EXPOSED BARBIE'S DARK SIDE, Federal Bar Association (W.D. WA) (April 2019)

Presenter, Seventh Annual International Intellectual Property Roundtable, Florida State University College of Law (forthcoming March 2019)

Panelist, Intellectual Property in a Globalized Economy: United States Extraterritoriality in International Business, Boston University School of Law (February 2019)

Keynote Presenter, Seventh Annual Jaszi Lecture, American University Washington College of Law (November 2018)

Panelist, IP and Development, Fifth Global Congress on Intellectual Property and the Public Interest (September 2018)

Presenter, Intellectual Property Scholars Conference, Charting the Triple Interface of Public-Private Partnerships, Global Knowledge Governance, and Sustainable Development Goals (August 2018)

Presenter, Certification Marks, Geographical Indications and Global Governance, 2018 INTA Scholarship Symposium (May 2018)

Moderator, International IP Legal Developments: Views from Around the World, Seattle Intellectual Property American Inn of Court and U.S. Patent and Trademark Office IP Attaché Program (May 2018)

Commentator, Sixth Annual International Intellectual Property Roundtable, Duke University School of Law (April 2018)

Moderator, *Hirabayashi* coram nobis *litigation*, for The Japanese American Incarceration: Civil Liberties and Upholding the Rule of Law, Then and Now, Federal Bar Association and Korematsu Center for Law and Equality (April 2018)

Commentator, Sawyer Mellon seminar on Academic Brands: Privatizing, Quantifying, and Transforming the University, UC Davis School of Law (April 2018)

Commentator, IP History Roundtable, University of Washington School of Law (discussing Shyam Balganesh, COPYRIGHT AS LEGAL PROCESS) (November 2017)

Organizer and Commentator, Discussion of THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA, Federal Bar Association (W.D. Wa.) and King County Bar Association (November 2017)

Presenter, *Matal v. Tam* and the Future of Lanham Act Section 2, Seattle Intellectual Property American Inn of Court (October 2017)

Organizer and Commentator, Pacific Intellectual Property Scholars (PIPS) IV, Seattle University and University of Washington Schools of Law (September 2017)

Presenter, The Global Debate on Intellectual Property, Trade and Development: Past, Present and Future: A Conference in Honour of Pedro Roffe, University of Minnesota Law School in conjunction with the Faculty of Law, University of Geneva and the Centre for International Governance Innovation (June 2017)

Plenary Presenter, Race + IP, Boston College (April 2017)

Presenter, Sixth Annual International Intellectual Property Roundtable, New York University School of Law (April 2017)

Presenter, Stockholm + 50, Texas A&M School of Law (April 2017)

Presenter, Patents, Social Justice and Public Responsibility, UM Institute for the Humanities and Ford School of Public Policy (March 2017)

Presenter, Trademark Goodwill as a Public Good, Meitar Law & Information Technology Workshop, Tel Aviv University (December 2016)

Presenter, Copyright and Cyber Civil Rights, University of Haifa Center for Law and Technology (December 2016)

Panelist, Authorship, Toward a Festschrift for Peter A. Jaszi, American University Washington College of Law (November 2016)

Panelist, Self-Regulation: Labor and Environmental Standards in Global Supply Chains, Innovating Corporate Social Responsibility: From Global to Local, Northwestern School of Law at Lewis & Clark College (October 2016)

Convener and Moderator, Dialogue and Workshop on Public-Private Partnerships, Global Intellectual Property Governance and Sustainable Development, ICTSD, Geneva (July 2016)

Panelist, How Governance Frameworks Impact IP-Related Goals, International Association for the Teaching and Research of Intellectual Property, Jagiellonian University (June 2016)

Panelist, Money and Reputation Make the World Go Round?, Theorizing Transnational Business Governance Interactions: Designs, Structures, Mechanisms and Impacts, York University (May 2016)
Presenter, Indiana University McKinney School of Law, Center for Intellectual Property & Innovation, Distinguished Presenter Series (April 2016)

Presenter, Fifth Annual International Intellectual Property Roundtable, UNLV Boyd School of Law (April 2016)

Presenter, Georgetown University Law Center, IP/Tech Colloquium (March 2016)

Presenter, Fourth Global Congress on Intellectual Property and the Public Interest, National University Delhi, India (December 2015)

Moderator, Center for Asian Pacific American Women National Leadership Summit, Redmond, WA (September 2015)

Keynote Presenter, Asian Pacific Islander Heritage Month, King County Superior Court (June 2015)

Presenter, Institute for Intellectual Property and Information Law at the University of Houston Law Center, National Conference on "Intellectual Property and Information Law in a Global Context," Santa Fe, NM (May 2015)

Presenter, Workshop on THE NEW INTELLECTUAL PROPERTY OF HEALTH-RELATED GOODS, City University London (May 2015)

Presenter, Fourth International Intellectual Property Roundtable 2015, Duke Law School (May 2015)

Moderator, Fair Use in the Digital Age, University of Washington Law School (April 2015)

Panelist, The Vanishing Civil Trial, Intellectual Property Inn of Court (March 2015)

Organizer and Presenter, Pacific Intellectual Property Scholars (PIPS) III, Seattle University and University of Washington Schools of Law (February 2015)

Panelist, Washington Lawyers for the Arts, Art Law Institute (December 2014)

Opening Address, New Zealand Centre of International Economic Law Conference on Intellectual Property on the Internet: Is there Life Outside of the Big Three?, Victoria University at Wellington (November 2014)

Commentator, Junior Intellectual Property Scholars Workshop, Michigan State College of Law (October 2014)

Panelist, DA+10, International Centre for Trade and Sustainable Development, Geneva (September 2014)

Panelist, Global Health Law Summer Institute, University of Washington School of Law (July 2014)

Panelist, Society of International Economic Law 2014 Biennial, University of Bern/World Trade Institute (July 2014)

Panelist, Medical User Innovation and Medical Commons Workshop, New York University Law School (May 2014)

Presenter, Third International Intellectual Property Scholars Roundtable, DePaul College of Law (May 2014)

Presenter, Conference on Intellectual Property and Innovation in the Globalized World: How to Level the Playing Field?, Skolkovo Foundation, Moscow (April 2014)

Panelist, Tenth Annual IP/Gender Conference on Gender and the Regulation of Traditional Knowledge, in conjunction with the Second Annual Cherry Blossom Symposium on Federal Policy and Traditional Knowledge, American University Washington College of Law (March 2014)

Key point Presenter, Open A.I.R. Conference on Innovation and IP in Africa, University of Cape Town (December 2013)

Panelist, The Global Medicine Challenge: The Fine Line Between Incentivizing Innovation and Protecting Human Rights, Whittier Law School (November 2014)

Presenter, IP in the Trees Workshop, Lewis & Clark Law School (October 2013)

Co-convener and Presenter, Public-Private Partnerships in Global Intellectual Property Governance, International Centre for Trade and Sustainable Development (ICTSD) and Seattle University School of Law (July 2013)

Panelist, Sage Handbook of Intellectual Property Symposium (June 2013)

Presenter, Second International Intellectual Property Scholars Roundtable, University of San Diego Law School (April 2013)

Panelist and Moderator, Second Global Congress on Intellectual Property and the Public Interest, Fundação Getúlio Vargas Rio de Janeiro Law School) (December 2012)

Presenter, Brand New World: Distinguishing Oneself in the Global Flow, University of California Davis School of Law (October 2012)

Keynote Presenter, Innovation, Development, Creativity and Access to Knowledge in Pacific Island Countries, Australian National University Regulatory Institutions Network (RegNet) and State Society and Governance in Melanesia Program (September 2012)

Panelist, International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) conference, panel on International Relations/Law and Development (July 2012)

Chair and Discussant, Law and Society Association Annual Meeting panel on New Developments in the History of Intellectual Property (June 2012)

Panelist, Law and Society Association Annual Meeting panel on Thinking and Rethinking Intellectual Property (Sponsored by CRN14 Culture, Society, and Intellectual Property) (June 2012)

Participant, International Intellectual Property Works-in-Progress Roundtable, Marquette Law School (April 2012)

Presenter, IP Presenter Series, Cardozo IP and Information Law Program, Benjamin N. Cardozo School of Law (April 2012)

Presenter, Pace Law School Faculty Workshop (April 2012)

Panelist, The Milbank Tweed Forum, New York University School of Law (April 2012)

Presenter, Spring Diversity Lecture, Santa Clara Law Center for Social Justice and Public Service (March 2012)

Edward D. Manzo Scholar in Residence, DePaul University College of Law (March 2012)

Presenter, Faculty Colloquium, St. John's University School of Law (March 2012)

Presenter, Intellectual Property Colloquium, Intellectual Property and Technology Program Marquette University Law School (Spring 2012)

Panelist, Symposium on Copyright and Creativity, Vanderbilt University Law School (January 2012)

Panelist, Changing Conditions, Rethinking Rules: A Roundtable on Intellectual Property Law, Law and Technology Center at University of Hong Kong (January 2012)

Panelist, Beyond Sustainability: Advancing APA Lawyers in Law Firms, National Asian Pacific American Bar Association Annual Meeting, Atlanta (November 2011)

Co-convener and Moderator, Conference of Asian Pacific American Law Professors (November 2011)

Participant, Combatant Status Review Tribunals, pp. 002954–003064: A Public Reading (Museum of Modern Art, New York, November 2011)

Participant, University of Oregon Law School Tribute to Professor Keith Aoki (October 2011)

Presenter, Faculty Workshop, City University of New York School of Law (October 2011)

2011 Southern Illinois University School of Law Distinguished Visiting Fellow in Intellectual Property Series (September 2011)

Commentator, Convening Cultural Commons Workshop, New York University School of Law (September 2011)

Co-convener, Global Congress on Intellectual Property and the Public Interest, American University Washington College of Law (August 2011)

Participant, Cultural Protocols Workshop, New York University School of Law (August 2011)

Roundtable Participant, Technology, Social Media and Liminal IP, Law and Society Association Annual Meeting (June 2011)

Presenter, Day of Remembrance, Seattle University (February 2011)

Panelist, Information, Values and the Justice System: Transformation and Challenges, iConference 2011 (February 2011)

Presenter, Global Intellectual Property Governance (Under Construction), University of Toronto Innovation Law and Development Presenter Series, Law and Development Society and the Centre for Innovation Law and Policy (January 2011)

Commentator, Fifteen Years of TRIPS Implementation, University of Georgia School of Law (January 2011)

Panelist, Online Defamation, Gender and Race, Defamation and Privacy Section, Association of American Law Schools Annual Meeting (January 2011)

Panelist, Tacit Knowledge in Education, Intellectual Property and Intergenerational Equity, Symposium on Intergenerational Equity and Intellectual Property, University of Wisconsin Law School (November 2010)

Panelist, Fifteen Years of TRIPS Implementation, International Law Association (October 2010)

Faculty Colloquium Presenter, Emory Law School (October 2010)

Participant, Author Meets Reader, The Tragedy of Democracy: Japanese Confinement in North America, by Greg Robinson, The Law and Society Association Annual Meeting (May 2010)

Panelist, Sustainability Standards: Strategic Alliances Between GIs and TK?, International Association for the Advancement of Teaching and Research in Intellectual Property, 2010 Annual Congress, University of Stockholm (May 2010)

Panelist, Global Intellectual Property (Under Construction), Association of Law, Property, and Society Inaugural Meeting, Georgetown Law School (March 2010)

Presenter, Intellectual Property Equality, Influential Voices Presenters Series (Installation), Seattle University School of Law (March 2010)

Presenter, Intellectual Property Intersectionality, University of Ottawa, Faculty of Law. Centre for Law, Technology & Society and the Shirley Greenberg Chair for Women and the Legal Profession (February 2010)

Presenter, Global Intellectual Property (Under Construction), Innovation Policy Colloquium, New York University Law School (February 2010)

Panelist, Conference on Copyright & Culture, Faculty of Law, Tel Aviv University, Israel (January 2010)

Panelist, Ethnic Profiling: A Challenge to Democracy Series, Washington University in St. Louis, Center for the Study of Ethics & Human Values (October 2009)

Moderator and Panelist, Center for Asian Pacific American Women 2009 National Leadership Summit, Bellevue, Washington (September 2009)

Participant, International Society for the History and Theory of Intellectual Property (ISHTIP) Workshop on The Construction of Immateriality, Practices of Appropriation and the Genealogy of Intellectual Property, at Università Bocconi Department of Law and ASK (Art, Science and Knowledge) Research Centre (June 2009)

Participant, A2K Workshop, George Washington University, The Institute for Global and International Studies, Elliott School of International Affairs (June 2009)

Keynote Presenter, Fred T. Korematsu Center for Law and Equality Launch, Seattle University School of Law (April 2009)

Panelist, The Law of the Commons, Seattle University School of Law (March 2009)

Presenter, Multicultural Education and Global Copyright, Presentation for the First Regional Dialogue on the Implications for Educators of Copyright on Teaching, Montevideo, Uruguay (Spring 2009)

Presenter, Marks of Rectitude, IP Presenters Series, Benjamin N. Cardozo School of Law (February 2009)

Panelist, When Worlds Collide: Intellectual Property Laws at the Interface Between Systems of Knowledge Creation, Fordham Law School (October 31-November 1, 2008)

Participant, Adaptation of Legal Regimes in the Face of Climate Change, University of North Carolina and the Center for Environment, Energy, and Natural Resources at the University of Houston Law Center (October 2008)

Moderator, Roundtable: Gender, Cultural Identity, and International Law, LatCrit XIII Annual Conference, Seattle University School of Law (October 2009)

Panelist, A2K and International Trade, Third Access to Knowledge Global Conference, Yale Information Society Project, Geneva (September 2008)

Presenter, Trademarks/Reputation, Eighth Annual Intellectual Property Scholars Conference, Stanford Law School (August 2008)

Moderator, Panel Discussion: Race, Justice & the Military, for the Tribute to the Veterans of the 1944 Fort Lawton Court-Martial, Seattle (July 2008)

Moderator, Session on Exceptions for Preservation and Education Exceptions for Government, for the Benjamin N. Cardozo Law School Conference on Developing International Norms for Limitations to Copyright (March 2008).

Moderator, Religion, Pluralism and the Law conference, Seattle University School of Law (March 2008)

Introduction, Globalization & Justice: Interdisciplinary Dialogues (co-sponsored by the Seattle University Center for the Study of Justice in Society and the Center for Global Justice) (February 2008)

Moderator, Brown Undone? The Future of Integration in Seattle After PICS v. Seattle School District No. 1, Seattle University School of Law (February 2008)

Moderator, Africans and the Catholic Church Conference, Seattle University (February 2008)

Keynote Presenter, "From Web 3.0 to La Jetée: Back to the Future of Copyright Law," Symposium on The Future of Copyright Law, University of South Carolina School of Law (October 2007)

Panel Organizer and Participant, Fair Trade, Brand-based Regulation and New Global Governance, panel on Governance by Marking and Branding, Law & Society Annual Meeting (Berlin, July 2007)

Panelist, Intellectual Property's Quest for Progress, panel on WIPO's Development Agenda: What Future? ABIFINA II SIPID – Seminário Internacional Patentes, Inovação e Desenvolvimento (Second International Seminar on Intellectual Property and Development) (Rio de Janeiro, July 2007)

Panelist, Innovation and Access Within a Human Development Framework, panel on Working Within the Boundaries of Intellectual Property, New York University School of Law Conference of the Engelberg Center on Law and Innovation Policy (June 2007)

Presenter, Intellectual Property From Below, Thomas Jefferson School of Law Faculty Workshop (April 2007)

Panelist, The Social Movement of A2K, Second Annual Access to Knowledge Conference, Yale University Law School Information Society Project (April 2007)

Panelist, The Social Movement of A2K, Second Annual Access to Knowledge Conference, Yale University Law School Information Society Project (April 2007)

Moderator, Can Our Culture Be Saved? The Future of Digital Archiving, Seattle University School of Law (April 2007) (co-sponsored by the Center for the Study of Justice in Society and the Northwest Chapter of the Copyright Society)

Panelist, The Trade Constitution and Patent Law's Quest for Progress, panel on International Intellectual Property Law Panel, DePaul Center for Intellectual Property Law and Information Technology Seventh Annual Symposium (March 2007)

Presenter, Intellectual Property from Below, Chicago Intellectual Property Colloquium (February 2007)

Presenter, Development and Innovation, University of Michigan Law School Intellectual Property Workshop (February 2007)

Panel Organizer and Presenter, A Substantive Equality Principle in International Intellectual Property, panel on Development, Innovation and International Legal Regimes: The Politics of Knowledge and Knowledge Goods, International Law Association, American Branch (October 2006)

Moderator, Race and Criminal Law, LatCrit XI (October 2006)

Moderator, Gender, Class and Race: Alternatives to the Dominant Economic Paradigm, Conference on Law & Economics: Towards Social Justice (September 2006)

Keynote Presenter, International Association of Korean Lawyers Meeting (August 2006)

Presenter, Towards a Development-Oriented International Intellectual Property Balance, panel for Berkeley Intellectual Property Scholars Conference (August 2006)

Participant, WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva (June – July 2006)

Panel Organizer and Presenter, The Politics of Global Intellectual Property, AALS Workshop on Intellectual Property, AALS Mid-Year Meeting (June 2006)

Panelist, Global Citizenship and Social Justice, The International Intellectual Property Regime Complex, Michigan State University College of Law (April 2006)

Moderator, Patents and Competition: Are We Moving in the Right Direction? At the Intersection of Antitrust and Intellectual Property Law: Looking Both Ways to Avoid a Collision, Seattle University School of Law (April 2006)

Panelist, A Million Little Pieces: Historical Memory and Reparations, panel on Taking Reparations Seriously, Thomas Jefferson Law School (March 2006)

Panelist, Distributive Justice and Intellectual Property, Symposium on Intellectual Property and Social Justice, University of California Davis School of Law (March 2006)

Panelist, Development Rhetoric and Development Potential in FTAs, panel on IP and FTAs: Strategies, Countermeasures and Alternatives for Sustainable Development, Intellectual Property, Free Trade Agreements and Sustainable Development, American University Washington College of Law (February 2006)

Co-Faculty Facilitator, The Digital Body, Seattle University Salons (January 2006)

Conference Organizer and Presenter, Pacific Intellectual Property Scholars (PIPS) II, Seattle University and the University of Washington Schools of Law (October 2005)

Panelist, University Intellectual Property and Global Access to Health Care, University of Washington (October 2005)

Panelist, Ethical Issues in Reparations to Aggrieved Groups: What Lessons Can We Learn From the Holocaust?, Oregon Law Institute of the Lewis & Clark Law School (April 2005)

Panelist, Fair Use: Is it or Isn't It?, Copyright Society of the U.S.A. Northwest Chapter event, Seattle University (March 2005)

Conference Organizer and Panelist, Opening Plenary, (RE)Examining Race and Gender Conference, Seattle University Center for the Study of Justice in Society (March 2005)

Panelist, Intellectual Property Rights: Are They A Barrier to New Medical Technologies?, Global Health & Justice: Paradigms for Multidisciplinary Collaboration, University of Washington School of Law (February 2005)

Presenter, Faculty Brownbag, University of California Davis School of Law (February 2005)

Panelist, Judgments Judged and Wrongs Remembered: Examining the Japanese American Civil Liberties Cases of World War II on their Sixtieth Anniversary, joint conference of the University of North Carolina School of Law, UCLA Asian American Studies Center and Japanese American National Museum (November 2004)

Conference Organizer and Panelist, Copyright Law, Second National People of Color Conference, The George Washington University Law School, October 2004

Panelist, Fair Use, Washington State Lawyers for the Arts Brownbag, June 2004

Roundtable Planner and Moderator, What Do Rights Have to Do With It? Intellectual Property and Globalization, Law and Society Association Annual Meeting (May 2004)

Presenter, The Legacy of Korematsu and Japanese American Redress, University of Chicago LawSchool (May 2004)

Planner and Moderator, The Color of Justice, Washington State Supreme Court Gender and Justice Commission in partnership with Chief Leschi School (April 2004)

Planner and Moderator, Works-in-Progress Roundtable, Debating Globalization: An Interdisciplinary Dialogue, Seattle University Center for the Study of Justice in Society (April 2004)

Panelist, Intellectual Property and Beyond, Symposium on Malthus, Mendel, and Monsanto: Intellectual Property and the Law and Politics of Global Food Supply, University of Oregon Wayne Morse Center for Law and Politics (April 2004)

Moderator, Brown as a Catalyst To Movements For Racial Justice and Equality, From Brown to Grutter: Racial Integration and the Law in the Northwest: A symposium to commemorate the 50th Anniversary of Brown v. Board of Education, Seattle University School of Law (April 2004)

Reporter, Workshop on Global Access to Essential Learning Tools, Trans Atlantic Consumer Dialogue (April 2004)

Participant, IP/Gender: The Unmapped Connections, Program on Intellectual Property and the Public Interest at American University, Washington College of Law (April 2004)

Panelist, Fair Use and Access Rights, Symposium on Intellectual Property, Sustainable Development and Endangered Species: Understanding the Dynamics of the Information Ecosystem, Michigan State University-Detroit College of Law (March 2004)

Conference Planner and Panelist, Beyond or Behind Borders? Prescription Drug Access and Arbitrage in a Global Economy, Seattle University School of Law Center for Corporations, Law and Society conference on Corporate Health Care and Governance in the Health Care Marketplace: An Interdisciplinary Perspective (February 2004)

Panelist, The Legacy of Korematsu and Japanese American Redress, Third Annual Mid-Atlantic Asian Pacific American Law Students Conference, Pushing the Envelope: The Next Challenge for Asian American Lawyers, University of Pennsylvania Law School (January 2004)

Participant, Dreamkeeping: Empowering Minority Faculty—A Dialogue, Law School Admission Council, Seattle (October 2003)

Presenter, What Do Intellectual Property Rights Have to Do With Human Rights? Some Observations on the Brink of a Sabbatical, Pacific Intellectual Property Scholars (PIPS) Inaugural Conference, Salishan, Oregon (October 2003)

Roundtable Participant, Militarisms and Other Isms: A Critical Discussion of Current Affairs, Eighth Annual LatCrit Conference, Cleveland, OH (May 2003)

Conference Co-planner and Co-presenter (with Eric Yamamoto), Resurrecting Korematsu: Post 9/11 National Security Restrictions on Civil Liberties, Work-in-Progress, Second Joint Conference of Asian Pacific American Law Faculty/Western Law Teachers of Color, Seattle (March 2003)

Moderator, Race, Space, and Place: Living in America, Seattle University Philosophy Department (November 2002)

Moderator, Assimilation & Resistance in Personal, Professional, and Pedagogical Practices: A Roundtable Discussion, Assimilation and Resistance, Emerging Issues in Law and Sexuality, Seattle University School of Law (September 2002)

Panelist, Reparations, Professional Development, Northeast People of Color Legal Scholarship Conference (June 2002)

Moderator, Cultural Property I, Cultural Property II, Law and Society Annual Meeting (May 2002)

Panelist, The Role of Politics and Ideology in Legal Scholarship, Association of American Law Schools Annual Meeting (January 2002)

Panelist, The Digital Divide, Privacy and Other "Revenge Effects," University of Washington Center for Law, Commerce and Technology Conference on Beyond the Information Superhighway: Searching for the Next Policy Metaphor (April 2001)

Conference Planner and Moderator, Mother-Daughter Panel, Asian Pacific American Women's Leadership Institute Summit (April 2001)

Panelist, Gender, Race and the Opportunity Gap: How Technology Choices Can Help or Harm, Piggott-McCone Endowed Chair Event (February 2001)

Panelist, Incorporating Equal Justice Teaching Throughout the Curriculum, Association of American Law Schools Equal Justice Colloquium (January 2001)

Panelist, Paracopyright and the Digital Divide: Anti-Circumvention Provisions and Control Over Digital Information, University of Dayton School of Law Program in Law and Technology, Scholarly Symposium on Copyright's Balance in an Internet World (November 2000)

Consultant and Discussion leader, Celebration 2000 Judicial Education Plenary, When Bias Compounds: Insuring Justice for Women of Color in the Courts, Washington State Bar Association (September 2000)

Moderator, Book Authors' Panel, Joint Asian Pacific American Law Faculty/Western Law Teachers of Color Conference (May 2000)

Panelist, Celebrating Women from Diverse Communities, Seattle University William Allen Endowed Chair Event (April 2000)

Panelist, The Marketplace of Ideas in Cyberspace, Oliver Wendell Homes Symposium and Lectureship, Mercer Law School (March 2000)

Panelist, Intersectionality, National Women Law Students Association Meeting (March 2000)

Panelist, High Tech Law, National Asian Pacific American Bar Association (November 1999)

Panelist, Access to Justice Forum, National Asian Pacific American Bar Association (November 1999)

Panelist, The Future of Legal Practice, Seattle University School of Law Dedication Week Series (October 1999)

Panelist, Internet Identity Shifting: Consequences for Critical Theories, for panel on Identity Politics and the Internet: Is the Internet Race and Gender Blind?, Fourth Annual Ethics and Technology Conference, Boston College (June 1999)

Panelist, Dangerous Liaisons on the Internet: The Impact of the Digital Millenium Copyright Act, Fourth Annual Entertainment Law Conference (May 1999)

Moderator, Taxation and Regulation of E-Commerce, Seattle University Intellectual Property Law Society Second Annual Conference (April 1999)

Workshop Planner and Moderator, Infusion of Learning from Other Disciplines to Intellectual Property Law, Association of American Law Schools Workshop on Intellectual Property (March 1999)

Panelist, Internet Identity Shifting: Consequences for Critical Theories, Iowa Journal of Gender, Race and Justice Symposium on Critical Race Feminism: Preparing Legal Thought for the 21st Century (November 1998)

Panelist, THE JAPANESE AMERICAN INTERNMENT AND REDRESS: A LEGAL INQUIRY -- CASES, MATERIALS AND STUDY MODULES, for panel on *Coram Nobis*, Legal Education and Community, Civil Liberties Public Education Fund Grant Program National Conference (June 1998)

Moderator, Bridging Theory and Activism, Fifth Annual Western Law Teachers of Color Conference (March 1998)

Instructor, Seattle University CLE, Every Lawyer an Internet Lawyer (1998)

Panelist, Legal Scholarship and Legal Activism, for panel on The Role of Law Schools in Empowering the Asian Pacific American Community, National Asian Pacific American Bar Association Annual Meeting, Denver (November 1997)

Discussant for Lawrence Lessig, The Constitution in Cyberspace, Earl Warren College Program in Law and Society, University of San Diego School of Law (October 1997)

Panelist, Intellectual Property II, International Association of Korean Lawyers (July 1997)

Panelist, Intellectual Property Issues in an Electronic Age, NASA Workshop on Desktop Computing and Earth Sciences (July 1997)

Moderator, Legal Issues in Cyberspace, Computer Professionals for Social Responsibility, DIAC-97 (March 1997)

Panelist, "Radical Plural Democracy and the Internet," California Western School of Law (February 1997)

Workshop Planner and Moderator for plenary session on Teaching Outside of the Classroom, AALS Mini-Workshop on Teaching with Technology (January 1997)

Moderator, Immigrants: Separate and Unequal, National Asian Pacific American Bar Association Annual Meeting (November 1996)

Roundtable Participant, Contesting the Asian American Legal Subject, American Studies Association (November 1996)

Panelist, Intellectual Value and Intellectual Property, for panel on Law and Information Policy, Telecommunications Policy Research Conference (October 1996)

Panelist, Hiring and Retention, Third Conference of Asian Pacific American Law Faculty (September 1996)

Panelist, "The Past Year's Developments in Copyright" for panel on Intellectual Property Adventures on the Internet, Internet Law Symposium 1996 (September 1996)

Presenter, Race, Representation and Affirmative Action, Union College Department of Philosophy (May 1996)

Guest Lecturer, Copyright and Federal Information Policy, Syracuse University School of Information Science and Technology (March 1996)

Panelist, The Collaborative Internet Artist: Exploring Identity through Copyright, for panel on Who Owns the Mona Lisa?, Intellectual Property Committee, College Art Association Annual Meeting (February 1996)

Panelist, The Virtual Legal Subject: Author of Internet Art, for panel on Cultures of Commerce and Communication on the 'Net, University of Oregon Symposium on Information Policy, Value Creation and Entrepreneurship (November 1995)

Panelist, The Road to Academia and Back, National Asian Pacific American Bar Association Annual Meeting (November 1995)

Presenter, On the Need for Asian American Narratives in Law, Asian American History Month, Williams College (April 1995)

Guest Lecturer, On the Need for Asian American Narratives in Law, Human Diversity graduate seminar, Syracuse University School of Social Work (April 1995)

Guest Lecturer, Rhetoric and Community on the Internet, Syracuse University Writing Program (January 1995)

Panelist, "We the People of Color," for panel on Conflict and Cooperation Between and Within Communities of Color, Mid-Atlantic Law Professors of Color Conference (February 1995)

Panelist, "Low Tech High Tech: Some Theoretical and Critical Insights, and Other Unwanted Advice about Teaching with Technology," for panel on Teaching with Technology, AALS Mini-Workshop on Technology (January 1995)

Panelist, "Privacy on the Information Superhighway," for panel on Information Superhighway: Destination?, AALS Mass Communications Law Section (January 1995)

Panelist, "on the need for asian american storytelling," for panel on The Relationship Between Law, Asian Pacific American Identity and the Dominant Culture, First Conference of Asian Pacific American Law Faculty (October 1994)

Panelist, "Simulacra and Autonomous/Anonymous Third World Women," for panel on Gender, Neocolonialism and the Pacific Experience, Law and Society Association (June 1994)

Faculty Member, seminar on Government Information: Privacy and Access in an Electronic Environment, Syracuse University School of Information Studies SIRM Program, Washington D.C. (April 1994)

Guest Lecturer, Digital Photography, Syracuse University School of Visual and Performing Arts (March 1994)

Guest Lecturer, Computer Graphics, Syracuse University School of Visual and Performing Arts (February 1994)

Panel Discussant, "Reasons for Reasoning About Sex," for panel on Sex, Signs, Reason (discussion of Richard Posner's SEX AND REASON), Seventh Annual Round Table on Law and Semiotics (May 1993)

Panel Discussant, "Disembodied Marks: Luke Sky/Skyywalker," Sixth Annual Round Table on Law and Semiotics (May 1992)

Guest Lecturer, Asian American Women and the Law, Asian Americans, Civil Rights and the Law, Cornell Law School (September 1991)

Faculty Member, Recent Developments in Federal Civil Practice, seminar for the Oneida County Bar Association (September 1991)

ACADEMIC AND COMMUNITY SERVICE

Member, American Law Institute (since 2016)

Fellow, American Bar Foundation (since 2016)

American Intellectual Property Inns of Court, Seattle Chapter, Founding Master (2010) and Member (since 2010)

Copyright Society of the U.S.A. Northwest Chapter Founding Board Member (2006)

Association of American Law Schools
- Executive Committee, Section on Minority Groups (2006)
- Professional Development Committee (1997-2000)
- Planning Committee, AALS 2000 New Teachers Workshop
- Planning Committee, AALS 2000 Human Rights Workshop
- Planning Committee, AALS 1999 Workshop on Intellectual Property
- Planning Committee, AALS 1997 Mini-Workshop on Teaching with Technology: Taking Your First Steps (1996)
- Executive Committee, Intellectual Property Section (1995-96)
- Program Organizer and Mentor, Section on Minority Groups (1995)

Conference of Asian Pacific American Law Faculty Board (2002-03)

Society of American Law Teachers Board of Governors (2002-03)

Washington State Supreme Court Gender and Justice Commission
- Member (2003-06)
- Planning Committee member, Genome Justice Workshop (2005)
- Planning Committee member, Color of Justice Workshop (2004)
- Consultant, Jubilee 2000 Judicial Conference Plenary on Bias Against Women of Color in the Courts) (in conjunction with the WA State Minority and Justice Commission)

Washington State Bar Association Access to Justice Board
- Technology Bill of Rights Committee (2001-04)

American Bar Association/Association of American Law Schools/Law School Admissions Council Joint Committee on Diversity (2001-03)

Korean American Bar Association Judicial Evaluation Committee (1998)

Co-convener, Congressional Asian Pacific American Caucus Institute Briefing on Current Asian Pacific American Issues (Seattle 1997)

Law Schools Admissions Council Minority Affairs Committee (1995-97)

National Asian Pacific American Bar Association
Civil Rights Committee (1993-98)
Law Foundation Scholarship Committee (1996)

Second Circuit Task Force on Racial, Gender and Ethnic Fairness Working Group (May 1996)

Digital Future Coalition (1996- present)

Academic Conference and Workshop Planning (in addition to AALS)

Co-convenor, Seattle American IP Inn of Court Presentations (2017-18)

Co-convenor and Moderator, Federal Bar Association (W.D. Wa.) and King County Bar Association Program on THE COLOR OF LAW (November 2017)

Co-convenor, Pacific Intellectual Property Scholars (PIPS) IV, Seattle University and University of Washington Schools of Law (September 2017)

Co-convener, Dialogue and Workshop, Public-Private Partnerships, Global Intellectual Governance and Sustainable Development, with the International Centre for Trade and Sustainable Development, Geneva (July 2016)

Co-convenor, Pacific Intellectual Property Scholars (PIPS) III, Seattle University and University of Washington Schools of Law (February 2015)

Co-convener and Presenter, Public-Private Partnerships in Global Intellectual Property Governance, with International Centre for Trade and Sustainable Development, Geneva (July 2013)

Co-convener and Moderator, Conference of Asian Pacific American Law Faculty Annual Meeting (November 2011)

Co-convener, Global Congress on Intellectual Property and the Public Interest, American University Washington College of Law (August 2011)

Influential Voices Presenter Series, Seattle University School of Law (2009-11) (Seattle Journal for Social Justice 2010 symposium; Seattle Law Review 2011 symposium)

Conference Organizer, Globalization & Justice: Interdisciplinary Dialogues (co-sponsored by the Seattle University Center for the Study of Justice in Society and the Center for Global Justice) (2008)

Planning Committee Member, (Re) Imagining the Family Conference, Seattle University (2007)

Co-Convener, Pacific Intellectual Property Scholars (PIPS) II, Seattle University and University of Washington (2005)

Planning Committee Member, At the Intersection of Antitrust and Intellectual Property Law: Looking Both Ways to Avoid a Collision, Seattle University School of Law (2005) (2006 Seattle Law Review Symposium)

Planning Committee Member, (RE)examining Race/Gender Conference, Center for the Study of Justice in Society, Seattle University (2005)

Co-convener and presenter, Pacific Intellectual Property Scholars (PIPS) II, Seattle University and the University of Washington Schools of Law (October 2005)

Co-convener and Planning Committee Member, Debating Globalization: An Interdisciplinary Dialogue, Center for the Study of Justice in Society, Seattle University (2004)

Planning Committee Member, Conference on Corporate Health Care and Governance in the Health Care Marketplace, Pacific Northwest Center for Health Law and Policy (2004) (2005 Seattle Journal for Social Justice Symposium)

Planning Committee Member, Second Joint Conference of Asian Pacific American Law Faculty/Western Law Teachers of Color (2002-03)

Planning Committee Member, Asian Pacific American Women's Leadership Institute Summit (2000-01)

Planning Committee Member, Ninth Annual Western Law Teachers of Color/Conference of Asian Pacific American Faculty VII (2001-02)

Planning Committee Member, Seventh Annual Western Law Teachers of Color Conference/Joint Conference of Asian Pacific American Law Faculty VI (1999-2000) (proceedings published in the Michigan Journal of Race and Law)

Steering Committee member, National Meeting of the Six Regional People of Color Legal Scholarship Conferences (1998-99)

Other

Discussant and/or Reviewer, works-in-progress and article/book manuscripts (1995-present)

Peer reviewer, various promotion and tenure committees (1996-present)

Judge, Legal Tech Start-up Competition (2014)

Member, Authors Alliance (since 2013)

IP Book Review, Advisory Board (since 2010)

Interviewer, Denshō: The Japanese American History Project (2000, 2003) (interviewed *coram nobis* attorneys Lorraine Bannai and Dale Minami)

Arbitrator, eResolution (2000-01)

Judge, Semi-Final Round, Thomas Tang Moot Court Competition (1995)

Listserv Manager, New Ideas for Experienced Law Professors Electronic Discussion Group AALSCONF (1995-96)

Host, Office of Management and Budget, National Electronic Open Meeting Technology Discussion Group (May 1995) (archived at http://geology.usgs.gov:8888)

Listserv Manager, Asian Pacific American Law Professors Electronic Discussion Group YLOPEARL (1995-99)

Board Member, Frank H. Hiscock Legal Aid Society (1993-96)

Board Member, Light Work (1993-96)

Co-Editor, National Asian Pacific American Bar Association Civil Rights Committee, Anti-Asian Violence Manual (November 1993)

Faculty Advisor, ALI/ABA Committee on Continuing Professional Education (Professional Responsibility) (April 1993)

Member, Asian American Bar Association of the Delaware Valley
Asian Pacific American Studies Committee (1990-91)
Korean Law Day Committee (1989-90)
Ad Hoc Committee in Support of Chinese Students' Democracy Movement (1989-90)
Philadelphia Bar Association liaison (1988-89)
National Asian Bar Association Planning Committee (1988)

Senior Editorial Board, Michigan Yearbook of International Legal Studies (now Michigan Journal of International Law) (1985)

Co-founder, Asian American Law Students Association, University of Michigan Law School (1985)

MEDIA SPOTS

KUOW, Seattle (February 2023) (Artificial Intelligence)
KING-5, Seattle (February 2011) (Day of Remembrance)
KIRO TV, Seattle (February 2006) (Trademark Law)
Seattle Times (February 2006) (Trademark Law)
Hawai'i Public Radio (April 2004) (Japanese American Internment)
Tacoma News-Tribune (September 2002) (Copyright Law)
Progressive Media Network (June 2002) (Asian American History Month)
Editorial page comments, Seattle Times (July 1999) (Race)
Seattle Times (April 1998) (Race)
Seattle Times (October 1997) (Race)
Guest, KIRO, Seattle (October 1996) (Internet)
Asian Week (June 1996) (Race)
Guest, The Compton Report, NBC-Seattle (July 1995) (THE BELL CURVE)
Guest, Channel 3, Syracuse (May 1995) (Internet)
Guest, Channel 5, Syracuse (April 1995) (Internet)
Syracuse Herald-Journal (February 1995) (Internet)
Guest, WNYC, New York Beat (November 1994) (The Bell Curve)
New York Times (November 1994) (Internet)

SEATTLE UNIVERSITY SERVICE

School of Law Representative, Reimagine and Revise Our Curriculum (2023-24)
Search Committee, Assistant VP for Diversity and Inclusion (2022)
Office of Sponsored Programs Oversight Advisory Council (2020-22)
Oversight Committee on Ethics and Tech Initiative (2019)
Seattle University Rank & Tenure Committee (2014-18)
Center for the Study of Justice in Society
Director (2006-08)

Seminar Director, Justice Faculty Fellows Workshop
Board Member (2001-10)
Faculty Discussant, Academic Salon on the Digital Body (2006)
Member, Endowed Mission Fund Committee (2005-10)
Participant, Academic Day (2002, 2003)
Chair, Core Action Group on Diversity, Citizenship and Social Justice (2000-01)
Member, Ad Hoc Task Force on Student Diversity (Spring 2000)
Member Advisory Group to Wismer Diversity Institute for Gender and Ethnic Studies (Fall 2000)
Academic Day Committee (Spring 2000)
Member, Faculty Task Force on Academic Governance (1998-99)
Co-Convener, Cultural Pluralism Project (1998-99)

LAW SCHOOL SERVICE

Member, Faculty Appointments Committee (2023-24)
Co-Chair, Faculty Appointments Committee (2022-23)
Member, Bar Success Committee (2021-22)
Co-Chair, DEI Committee (2020-21)
Hiring Committee. Associate Dean for Student Affairs
Faculty Recruitment Committee Member, Clinical Director
Faculty Trust Scholarship Committee (2019-21)
Member, Personnel Review Committee (2018)
Member, Curriculum Committee (2016)
Member, Dean's Advisory Committee (2014-15)
Chair, Personnel Review Committee (2013-14)
Member, Budget Advisory and Financial Planning Committee (2012-13)
Associate Dean for Research (2009-11)
Korematsu Faculty Fellow (2009-present)
Member, Curriculum Committee (2009-10)
Chair, Faculty Appointments Committee (2008-09)
Member, Strategic Planning Committee (2007-08)
Chair, Access to Justice Institute Director Search Committee (2007)
Member, Personnel Review Committee (2005-06 and 2018-19)
Member, Dean Search Committee (2004-05)
Chair, Legal Writing Review Committee (2004-05)
Member, Faculty Recruitment Committee (2001-04)
Chair, Faculty Recruitment Committee (2000-01)
Chair, Intellectual Property Focus Area (1999-05)
Member, Personnel Review Committee (1999-00)
Member, Ad Hoc Committee to Review Academic Support (1999)
Member, Faculty Colloquia and Development Committee (1998-99)
Chair, Faculty Colloquia and Development Committee (1997-98; 1999-2000)
Member, Ad Hoc Moot Court Committee (1998)

PROFESSIONAL AFFILIATIONS	American Bar Association American Bar Foundation American Intellectual Property Law Association American Law Institute Asian Bar Association of Washington Association of American Law Schools (executive committee, various sections) Conference of Asian Pacific American Law Faculty (past board member) Copyright Society of the USA, Northwest Chapter (founding member) Korean American Bar Association Law and Society Association Seattle American Intellectual Property Inn of Court (founding member and Master) Society of American Law Teachers (past board member)
BAR ADMISSIONS	U.S. Court of Appeals for the Third Circuit (1988) U.S. District Court for the Eastern District of Pennsylvania (1988) Pennsylvania Supreme Court (1986)
CITIZENSHIP	Canada and U.S.
REFERENCES	Upon request

From: Lemire, Laura O.
To: Bar Leaders
Cc: [redacted]ve on the Legal Tech Task Force
Date: Friday, March 29, 2024 12:46:55 PM
Attachments: image001.png
image002.png
LauraLemire_Resume_Mar2024.pdf

> You don't often get email from [redacted]. Learn why this is important

Dear Bar Leaders,

"To Clarify the Complex."

On March 12, 2024, these words appeared on my screen. They dramatically changed how I thought about AI and its role in our future. I understood the legal tech landscape was evolving swiftly due to the growth of generative AI and other emerging technologies. But on that day, two weeks ago, I came to appreciate how quickly the tools we use are advancing; I began to see the impact this will have on our profession.

Those words sounded like a job description that fits all of us in the legal profession, but they are the new brand promise for Thomson Reuters, the maker of Westlaw and other popular online legal services.

On March 12, the company unveiled its new branding and AI-centered strategy, with a new logo and fonts, and declared itself a tech company. Had I noticed Thomson Reuters had acquired Casetext, developers of the AI service CoCounsel, in 2023, perhaps the company's new face wouldn't have seemed so peculiar. As I read the business news headlines about the company's refreshed brand, investments, and strategies, I felt a growing sense of urgency to prepare myself and my colleagues for our future. Today, controlling an estimated 75% of the marketplace for legal research tools, Thomson Reuters is redefining work for WSBA members and our profession, and it will undoubtedly have a profound impact on access to justice.

Please accept this application to serve on the newly formed Legal Technology Task Force.

I would be honored to participate in assessing this landscape and making recommendations that align with WSBA values and commitments. As a privacy and security lawyer, I bring expertise on the ethical uses of technology, particularly with regard to the collection and use of personal information, which drives relevant innovations. I possess an extensive career in tech, and can bring unique insights on the development and adoption of emerging technologies. My clients value my ability to see around corners—to foresee hurdles and anticipate consequences—and I would enjoy leveraging my strengths to serve WSBA members as a member of the Task Force.

I have attached my resume for your consideration. I applaud the creation of the Task Force and deeply appreciate this opportunity.

Thank you, Laura Lemire

Laura Lemire

Of Counsel
Pronouns: she, her, [redacted]

[redacted]

Schwabe

Laura Olivia Lemire

Seattle Area | [redacted] | [redacted] | [redacted]

I am a CIPP-certified privacy and security attorney with deep experience in tech. I use my expertise to help clients comply with global data protection laws, launch groundbreaking products and services, use data in innovative ways, enhance and protect their brands, and respond to regulatory inquiries and investigations.

EXPERTISE

Global Privacy & Technology Laws

- EU AI Act
- EU and UK Global Data Protection Regulation (GDPR)
- EU e-Privacy Directive (ePD) and related member state laws
- UK Privacy and Electronic Communications Regulations (PECR)
- BR General Personal Data Protection Law (LGPD)
- CA Personal Information Protection and Electronic Documents Act (PIPEDA)
- U.S. federal, state, and local privacy and technology laws, regulations, and guidance including:
  - State omnibus privacy laws, such as the California Consumer Privacy Act (CCPA)
  - Unfair, deceptive, or abusive acts and practices law (UDAAP) pertaining to privacy
  - State data breach notification laws
  - OMB, EEOC, FTC, FCC guidance on AI
  - NYC Local Law 144

Topics and Industries:

- Children and Teen Data: Children's Online Privacy Protection Act (COPPA), State Privacy Laws, and UK and California Age-Appropriate Design Codes
- Health Data: Health Insurance Portability and Accountability Act of 1996 (HIPAA) and WA My Health, My Data Act (WMHMD)
- Communications Data: U.S. Wiretap Act and CA Invasion of Privacy Act (CIPA)
- Financial Data: Fair Credit Reporting Act (FCRA), Payment Card Industry Data Security Std (PCI DSS)
- Biometrics: IL Biometric Info Privacy Act (BIPA), TX Capture or Use of Biometric Identifier Act (CUBI)
- Genetics: Genetic Information Nondiscrimination Act of 2008 and state genetics laws
- Social Media: Utah Social Media Regulation Act, Secure Online Child Interaction and Age Limit Act

EXPERIENCE

Schwabe, Williamson, and Wyatt November 2023 – Present

Develop firm's privacy and security practice through business development, marketing, and training efforts. Counsel clients on various industries on global privacy and data protection laws, emerging technology, and cybersecurity matters. Draft firm's privacy-related templates and reference materials.

Hintze Law, PLLC | *Of Counsel* April 2022 – October 2023

Counsel clients on compliance with global privacy and data protection laws. Engage in business development activities. Draft firm's privacy templates and reference materials. Develop associates. Select accomplishments:

- Originated new clients, resulting in $200K in new business in my first year, and deepened engagement with existing clients by initiating new matters.
- Counseled fitness client on the collection and use of consumer health data under the WMHMD.

Interpreted the April 2023 Act and developed strategies to limit risks.

- Guided big tech client on risks related to voice-enabled technologies under U.S. wiretap laws, the EU e-Privacy Directive, U.S. state omnibus privacy laws, and biometric laws.
- Advised healthcare conglomerate on the use of tracking technologies under HIPAA, GDPR, and U.S. state omnibus privacy laws.
- Developed privacy strategy and key materials for client focused on misinformation research. Drafted data protection agreements, records of processing activities, and data protection impact assessments.

Twitter, Inc. | Senior Privacy Counsel May 2020 – March 2022

Advised senior leaders and product counsel on a wide range of privacy and data protection laws. Developed compliance solutions in partnership with engineers. Engaged with regulators in the U.S. and EU on diverse matters. Drafted and negotiated data protection agreements. Led security incident response. Developed and delivered training. Assisted in recruiting, hiring, and onboarding team members. Select accomplishments:

- Led company's response to various EU data protection authorities' inquiries related to the use of cookies for online advertising. Developed legal strategies to reduce business disruptions and helped implement technical solutions across multiple business divisions.
- Drove company's response to the FTC 6(b) order seeking information on all aspects of the advertising business and the processing of personal information. Implemented strategies to reduce risks associated with the production of internal documents.
- Advised on employee privacy matters, including background checks, employee monitoring, and Covid-19 matters, such as symptom screening, virus testing, and vaccination policies.

Microsoft Corporation | Attorney January 2012 – May 2020

Advised on global privacy and data protection issues related to software, services, and emerging technologies. Drafted responses to privacy inquiries and investigations. Negotiated data protection agreements. Evaluated M&A targets' data operations and advised on privacy issues during integration. Presented company's policy positions to customers, regulators, and privacy advocates. Trained employees, vendors, and partners. Select accomplishments:

- Took over support of Dynamics 365 Fraud Protection within weeks of its launch date. Enabled on-time launch by creating and implementing compliance strategies to meet requirements from GDPR, CCPA, FCRA, and anti-discrimination laws. Drafted commercial terms and marketing framework.
- Advised the Microsoft Cybersecurity Team on security incidents, including nation state attacks, affecting customers to minimize harms, comply with data protection law, adhere to contractual commitments, maintain principles, and protect employees.
- Helped draft responses to data protection inquiries and investigations of Windows 10, as well as proactive and reactive public communications, avoiding fines and limiting harm to customers.
- Updated the Microsoft Privacy Statement to cover all data processing at the company; retired unique statements while maintaining compliance, improving transparency, and reducing costs.
- Accelerated cloud adoption by implementing strategies to differentiate various services on data protection matters, for example by offering EU Standard Contractual Clauses for Processors, HIPAA Business Associate Agreements, and by helping achieve industry standards.

Other Microsoft Roles December 2000 – December 2011

Regulatory Affairs Manager, Sr. Paralegal, Paralegal, Financial Reporting Analyst, Operations Analyst

KEY SPEAKING ENGAGEMENTS & PUBLICATIONS

- "Privacy Issues in the Workplace," In-Person and Virtual CLE. Schwabe. February – March 2024.
- "How to Read a Privacy Statement," Virtual CLE. WA State Bar Association. March 2024.
- "What Oregon businesses need to know about the state's new consumer privacy law," Portland Business Journal. February 22, 2024.
- "The Hottest Topics in Privacy: Kids & Health Data," Lewis & Clark Law School. February 2024.
- "Privacy & AI: Top 5 legal concerns for Privacy Attorneys," Virtual CLE. WA State Bar Assoc., May 2023.
- "Data Privacy in the European Union," Virtual CLE. WA State Bar Assoc., June 2022.
- "AI in Financial Services," Artificial Intelligence and Robotics National Institute, ABA Section of Science & Technology Law (SciTech). Santa Clara, CA, January 9, 2020.
- "Ethical Issues for In-House Counsel," IP Defense Summit. Seattle, WA, October 23, 2018.
- "Privacy & The Internet of Things," Assoc. of Corp. Patent Counsel Conf. Park City, UT, June 27, 2017.
- "How Emerging Technologies are Transforming the Legal Profession," Interlaw 2017 Americas/Asia Pacific Conference. Seattle, WA, April 28, 2017.
- "How Big Data Will Transform the Legal Profession," NWLawyer, WA State Bar Assoc., March 2016.
- "One Stop Shop: Your main EU establishment in the context of the EU Data Protection Draft Regulation," Privacy Laws & Business Int'l Conference. St. John's College, Cambridge, UK, July 7, 2015.
- "Privacy Challenges with Open Data" and "Universal Acceptance," Asia Pacific Regional Internet Governance Forum. University of Macau, July 3, 2015.
- "Helping Organizations Embrace the Cloud with Confidence," Privacy & Innovation Conference: In Pursuit of the Right Incentives. The University of Hong Kong School of Law, June 9, 2015.

CERTIFICATIONS

Certified Information Privacy Professional Europe (CIPP/E)	2022
MIT Artificial Intelligence: Implications for Business Strategy	2018
Certified Information Privacy Professional (CIPP/US)	2011

EDUCATION

JD, Seattle University School of Law | Seattle, WA Member of the Washington State Bar	2009
BA, Economics, University of Michigan | Ann Arbor, MI University of Michigan Distinguished Leadership Award	2000

ORGANIZATIONS

Leadership Counsel on Legal Diversity (LCLD) | 2023 Fellow
National Native American Bar Association (NNABA)
Mother Attorneys Mentoring Association of Seattle (MAMA)

PRO BONO SERVICE

National Veteran's Legal Services Program, Lawyers Serving Warriors	2019 – Present
International Refugee Assistance Project	2018 – 2019
National Law Center on Homelessness & Poverty	2017 – 2018
Kids in Need of Defense	2011 – 2014

SEAN PATRICK O'DONNELL

Seattle, WA - [redacted] - [redacted]

PROFESSIONAL & LEADERSHIP EXPERIENCE

King County Superior Court Judge **2013 to present**

- One of 54 superior court judges handling general jurisdiction cases in King County, Washington. First elected county-wide in 2012 with more than 76% of votes cast; re-certified for third term in May 2020
- Superior Court Judges' Association Legislative Committee (Co-Chair: 2018-present)
- King County Family Law Department (Chief Judge: 2022-2024)
- King County Criminal Department (Chief Judge: 2018-19)
- Statewide Judicial Task Force on Courthouse Security (Co-Chair: 2019-present)
- Statewide Judicial Task Force on Interpreter Funding (Co-Chair: 2018-2019)
- Statewide Judicial Task Force on Pre-Trial Reform (Co-Chair: 2017-2018)
- Washington State Superior Court Judges' Association (President: 2017-2018)
- Board for Judicial Administration Legislative Committee (Co-Chair: 2015-2016)

Leadership Related to Technology in the Courtroom **2020 to present**

- Presided over nation's first binding all remote jury trial (2020)
- Chaired King County's Zoom Jury Task Force and efforts to implement video jury selection (2020)
- National Center for State Courts: Helped design a court assistance program for Hybrid/Remote hearings (2022)
- Washington State Supreme Court: Drafted rules to make remote hearings, trials and jury selection a permanent option for trial courts
- Presented nationally on remote hearings (2021-present)

King County Prosecutor's Office, Deputy and Senior Deputy Prosecuting Attorney **2001 to 2013**

- Tried more than 80 felony cases to jury involving crimes of homicide, rape, robbery, identity theft, child molestation, assault, kidnapping and human trafficking
- Most Dangerous Offenders Project: Appointed member of a specialized trial unit responsible for the prosecution of all homicides occurring within King County
- Green River Task Force: Appointed member of a team of 20+ detectives and five lawyers responsible for the investigation and prosecution of serial killer Gary Ridgway
- Secured convictions in Washington State's first ever human trafficking case and first ever case involving commercial sexual abuse of a minor

U.S. Department of Justice, Special Assistant United States Attorney **2009 to 2012**

- Terrorism and Violent Crimes Division: Collaborated on sex and human trafficking cases with state/federal crossover (Western District of Washington)

Seattle University School of Law, Adjunct Faculty **2011 to 2016**

- Co-taught weekly course for 20+ students that emphasized the presentation of expert testimony at trial

National Association of Attorneys General, Chief Trainer, Human Trafficking **2011 to 2012**

- Conducted trainings throughout the United States for prosecutors and police on best practices for investigating and prosecuting human trafficking cases

AEquitas: The Prosecutors' Resource on Violence Against Women, Consultant **2010 to 2011**

- Trained civilian and military prosecutors, police and judges nationally and internationally on the investigation and prosecution of cases involving sexual violence against women

Washington State Attorney General's Office, Intern **1999 to 2000**

- Prepared case memorandum for Assistant Attorneys General in Criminal Justice Division to assist in make filing decisions regarding sexually violent predator petitions

The Boeing Company, Communications Manager **1997 to 2000**

- Company spokesperson for employment and labor issues
- Lobbied U.S. Congress in support of improved trade relations between the U.S. and China
- Wrote executives' speeches and authored articles for internal publications

United States Senator Slade Gorton, Legislative Assistant **1995 to 1997**

- Washington, DC senior staff representative for trade, military and environmental (nuclear cleanup) issues
- Represented the Senator with Congressional staff, constituents and state officials

EDUCATION

Seattle University School of Law **1999 to 2001**

J.D. *cum laude*

Georgetown University **1991 to 1994**

B.A. (English and Government) *cum laude*

AFFLIATIONS & VOLUNTEER WORK

- Washington State Bar Association (2001-present)
- King County Bar Association (2001-present)
- The Lakeside School Board of Trustees (currently Vice Chair, formerly Secretary: 2018-present)
- Saint Joseph School Commission (Member and Chair: 2016-2019)
- Rainier Scholars' Resource Council (Member: 2016-present)
- Green River Community College Criminal Justice Program (Advisory Board: 2011-2015)
- Washington State Bar Association Legislative Committee (Chair: 2012)
- Children's Response Center (Advisory Board: 2010-2012)
- The Lakeside School Alumni Board (Member: 2004-2007)

HONORS

- American Board of Trial Lawyers Puget Sound Chapter "Outstanding Judge of the Year 2018"
- King County Bar Association "Outstanding Lawyer of the Year 2004" (Co-recipient)

PERSONAL

Father to two busy teenagers and husband to amazing wife who owns and manages a pediatric therapy clinic. Interests include cooking, swimming, tennis, golf, pickleball, waiting for Robert Caro's last book on L.B.J., and driving the aforementioned teenagers around the greater Seattle area.

Palace Law
@PalaceLawOffices
PalaceLaw.com

PALACE LAW
JUSTICE FOR WORKING MEN AND WOMEN

4009 Bridgeport Way W, Suite B
University Place, WA 98466
[253] 627-3883
Info@PalaceLaw.com

March 15, 2024

Washington State Bar Association
1325 4th Ave, Suite 600
Seattle, WA 98101-2539

Re: Legal Technology Taskforce.

Dear WSBA Board of Governors
I share your interest in legal technology and would welcome the chance to serve on your newly created Legal Technology Taskforce. As an officer in the National Conference of Bar Presidents, I have produced several programs aimed at bar leaders on issues of technology. Most recently, in the last year we produced two programs on AI and its intersection with ethics considerations, tech competence, practical applications for AI in law, and discussed the broad opportunities for AI and its many use cases. I am also interested in the intersection of AI and UPL which is being studied in other states like Michigan by its taskforce.

This task force is very timely, if not late to the table. I would welcome the opportunity to be a bridge from the national leadership to WSBA leadership and to share trends, programs, taskforces and opportunities. I would also welcome the opportunity to share insights and wisdom along the way to creating a relevant and necessary final report that our WSBA members can use and leverage.

I appreciate your consideration.

Very truly yours,

PALACE LAW

Patrick A. Palace
Managing Partner

PATRICK A. PALACE is the owner of **Palace Law and Palace Personal Injury Law Group**. Palace Law is workers' compensation firm and Palace Personal Injury Law Group is a firm dedicated to personal injury matters. He is and has been a partner in a number of joint ventures with tech companies developing new tools for lawyers.

Patrick was the **President of the Washington State Bar** Association (WSBA) 2013-2014.

He was recently as an officer of the **National Conference of Bar Presidents** (NCBP) and will be President 2025-2026. The NCBP prepares and trains Bar leadership nationwide. Patrick completed terms serving on the NCBP Executive Counsel 2018-2020 and as Chair of the 21st Century Lawyer NCBP committee which produces monthly national webinars for bar leaders.
In 2023 he was the **Vice Chair** for the **ABA Center for Innovation** Board, has been an appointed Board member since 2019 and co-hosts the ABA Center's Innovation Network Podcast Season 3 (2022-2023). He served on the Data Standards Committee which was tasked with creating the standards by which legal innovation shall be measured. He is currently and **Advisor to the Center**.

In 2024 Patrick was appointed to serve on the **ABA House of Delegates** as the Washington State Bar Representative. He will serve a 3 year term attending each ABA Convention.

He was recognized by the **ABA** as a **"Legal Rebel"** (Class of 2023) and pictured on the **front page** of the **ABA Journal** Jan/Feb 2023 edition.

He is a co-founder of the **American Legal Technology Awards**, a national award that recognize 8 legal leaders of innovation across the country at the Annual American Legal Technology Awards Black Tie Gala held in Nashville Tennessee.

He also served on the **editorial Board for GPSolo Magazine** and was the convening editor for GPSolos "COVID an the Law" edition and the Reregulation edition (July – Aug 2021).

In the Washington Bar he chaired the WSBA Future of the Profession Committee 2013-2015. Additionally, he served on the WSBA Board of Governors from 2008 – 2011, the Washington Association of Justice Board of Governors for 9 years and was WSBA Treasurer 2010-2011.

Patrick has presented at the Clio Cloud Conference, AVVOs Lawyernomics, the ABA TechShow, NCBP Annual and Midyear Conventions, Western States Bar Conference

and regularly presents at other webinars and seminars at the local, state and national levels.

He has been interviewed on podcasts by Bob Ambrogi (LawNext), the Lawyerist, Lawsome, Clienting, The Paralegal Voice, multiple podcasts on Legal Talk Network's "On the Road", Jeena Cho's "The Resilient Lawyer", and "Two Men and a Mic" podcast and more. He has aired on over **60 podcasts**. He regularly writes for legal publications including ABA GPSolo Magazine, NW Lawyer, and other magazines.

Since 2001, Patrick has been chosen by Law and Politics Magazine as a "Super Lawyer". Patrick was the first recipient of the "Service to the Legal Profession Award", selected by the Lawfirm 500 as one of the top 100 firms nationwide for its growth and innovation and by the "National Trial Lawyers" as one of the Nation's Top 100 trial lawyers. He was also named as one of the "Top Attorneys in Washington."

Patrick produced and moderated two television programs: "The Peoples Law School" and "LawTalk". These programs provide consumers with information about our legal system and their rights and remedies. Thirty-three programs were produced.

In 2020 Palace Law began purchasing other law firms and since then has complete 6 law firm mergers. As a result, Palace Law has grown substantially during COVID, both in size and revenue generation. Palace Law continues to seek new merger partners.

Patrick is a dedicated practitioner of yoga. He writes about mindfulness and speaks nationally of the topics regarding the future of the legal profession, data metrics, the state of legal regulation, practice management and life balance

Finally, in 2015, Patrick opened a winery, Sunken Cellars, whose vintages include Cabernet Sauvignon, Albariño and a Rose named after his daughter Sophia (SunkenCellars.com).

Patrick is also a proud father who has a tendency to listen to his music (while drinking wine, and sometimes practicing yoga) louder than his three non-rocker children would like.

Email: Patrick@palacelaw.com
Twitter: [redacted]

March 27, 2024

To Whom It May Concern:

I am writing to express my interest on serving on the WSBA Legal Technology Task Force. I graduated from UW School of Law in 2015 with a JD and LLM in Taxation, and have practiced Estate Planning for the past 8 years. I am passionate about technology in general and especially legal technology, and I want to use my passion for legal technology to improve the profession.

I became fascinated with computers and technology from a young age. As an Asian American growing up in Seattle, I had many peers interested in video games, but I quickly moved beyond computer games to the computers themselves. I enjoyed building my own computers as a teenager and college student, and thought I might pursue education in computer science. I chose to attend law school instead, but I remain the go-to "tech support" person for family and friends, and I have carried that into my professional life.

In practice, I started working in a small firm of 3 attorneys, then ran my own solo practice, and now am a member of a 12-attorney firm. Practicing in diverse settings allowed me to see the importance of leveraging technology to deliver legal services in new and innovative ways. I pushed my first firm to be paperless and cloud-based. As a solo practitioner, I concentrated on document automation to improve the speed and accuracy of delivering legal services. In my current firm, I chair our Technology Committee, and have the opportunity to make long-term decisions that impact our firm's future. As the practice of law becomes more dependent on technology, it is ever important to study and invest in new technologies.

My passion for legal technology started when I was just completing law school. I became involved with the WSBA Solo & Small Practice Section (S&SP), attending their 2015 Conference while I was studying for the Bar Exam. I have enjoyed being part of the S&SP community to have support and resources to discuss technology and practice management decisions. I was elected to the S&SP Executive Committee in 2020, and am currently serving as Chair-Elect. In 2016, I also joined the ABA Law Practice Division, and have been attending their annual conference, TECHSHOW, ever since. ABA TECHSHOW is a melting pot of legal technology vendors and innovators sharing ideas on the future of legal technology. Being apart of those conversations has helped

me to think not just about technology for my firm, but the influence of legal technology on the practice of law as a whole.

With close to a decade in practice, I believe now is an opportune time for me to give back to the profession and share a bit of my experience learning about legal technology with the wider community. I enjoy my role advising my firm on the future of legal technology, and I welcome the opportunity to share my insights with the legal community.

Sincerely,

Nicholas Pleasants
npleasants@ohswlaw.com

NJP/

Nicholas J. Pleasants

11225 SE 6th St., Ste. 100, Bellevue, WA 98004 | 425-455-3900 | npleasants@ohswlaw.com

Education

University of Washington School of Law, Seattle, WA
Juris Doctor, June 2015
Masters of Law in Taxation, June 2015
Honors: CALI Excellence for the Future Award in Comparative and International Law Survey, CALI Excellence for the Future Award in Sales (UCC Article 2)
CALI Excellence for the Future Award in Taxation of Estates, Trusts, and Beneficiaries
Activities: Asian/Pacific American Law Student Association (President), Minority Law Students Association (Historian), Immigrant Families Advocacy Project

Columbia University, New York, NY
Bachelor of Arts, Economics & Political Science, May 2012
Honors: Dean's List, 4 semesters
Activities: Compass Christian Koinonia (President), Jubilation! A cappella Group (Treasurer)

Legal Experience

Oseran Hahn P.S. Bellevue, WA

Shareholder March 2022 - present

- Practicing in Estate Planning, Probate, Wills, Trusts, Guardianships, and TEDRA

Pleasants Law Firm, P.S. Bellevue, WA

Owner October 2019 – March 2022

- Practiced in Elder Law
- Managed team of paralegal and support staff to effectively advocate for clients
- Responsible for all business functions, including accounting and tax reporting

James Pleasants, P.C. Bellevue, WA

Associate Attorney October 2015 – September 2019

- Practiced in the areas of Civil Litigation, Estate Planning / Probate / Wills / Trusts, Guardianships, Landlord/Tenant, and Real Property
- Oversaw technology upgrades to document management systems to improve efficiency

United States Small Business Administration Seattle, WA

Legal Extern September 2014 – December 2014

- Researched 504 Loan Program and Certified Development Corporations
- Researched UCC Article 9 and Foreclosure Process as it applied to 504 Loan Program
- Prepared presentation and supporting materials on Public UCC Sales under Article 9

Department of Financial Institutions Tumwater, WA

Extern in Securities Division July 2013 – September 2013

- Analyzed IPO and other equity filings for regulatory compliance from businesses raising as little as $1 Million to corporations raising over $1 Billion.
- Reviewed franchise applications and advertisements from multinational corporations
- Participated in conference calls with Blue Sky regulators from the 50 states and D.C.

Publications and Presentations

- *2022 Elder Law Legislative Update*, WSBA Elder Law CLE, June 7, 2022
- *2021 Probate Code Update*, KCBA Elder Law Section, Fall 2021
- *Estate Planning, Probate, and Trust Disputes During COVID-19*, WSBA RPPT Annual CLE, December 2020
- *Conducting Estate Planning and Probate and Handling Trust Disputes During COVID-19*, WSBA RPPT Newsletter, Summer 2020
- *What happens when a minor child is entitled to receive money?*, WSAJ Workers Comp CLE, Fall 2018
- *WSBA New Lawyer Education Practice Primer – Trust Planning*, Fall 2017

Organizations

- Asian Bar Association of Washington (Director ’24, Treasurer ’23, Director ’22)
- Chinese Southern Baptist Church (Trustee, ’19-’24)
- Washington Academy of Elder Law Attorneys (Director ’21-’24)
- Washington State Bar Association Elder Law Section (Chair-Elect ’23-24, CLE Comm. Co-Chair ’21-’23, Board Member ’20)
- Washington State Bar Association Solo & Small Practice Section (Chair-Elect ’23-25, Membership Comm. Co-Chair ’21-’23, Board Member ’20)
- Washington State Bar Association RPPT Section (Member, ’15-present)
- Washington State Association for Justice (Member, ’18-present)
- East King County Estate Planning Council (Member, ’17-present)

Language Skills

- Japanese – proficient

March 29, 2024

Jenny Durkan (***via email, barleaders@wsba.org***)
Chair
WSBA Legal Technology Task Force

Re: Application for WSBA Legal Technology Task Force Membership

Dear Chair Durkan, President Abell, co-chairs of the Member Engagement Council, and members of the Board of Governors:

I write to express my interest in membership on the Washington State Bar Association Legal Technology Taskforce. As an assistant professor at the Gonzaga Law School in Spokane, I research the intersection of legal technology, legal ethics, and access to justice. These issues are also prevalent in the courses I teach: professional responsibility, criminal law, legal research and writing, and international privacy law. I am also the advisor to the law school's new student organization dedicated to legal technology and serve on the Washington Practice of Law Board and Disciplinary Advisory Round Table. Before joining academia, I was an interdisciplinary privacy and cybersecurity policy analyst and a communications and technology attorney, representing public interest organizations before federal agencies and in litigation at federal appellate courts. All of these roles and experiences would inform my contributions to the Task Force.

Below is a summary of some of my recent research that would be relevant to the task Force's work.

My article *Ethical Issues in Robo-Lawyering: The Need for Guidance on Developing and Using Artificial Intelligence in the Practice of Law*, 70 HASTINGS L.J. 173 (2018), available at https://ssrn.com/abstract=3308168, was one of the first to comprehensively and specifically analyze the ethical challenges that would arise as a result of increased use of AI in legal services, including challenges associated with competence, confidentiality, supervision, communication, independent judgment and candid advice, and obligations to former clients. I argued that "the future of legal services is one in which lawyers, AI services, and third parties likely will all be involved at some point in a large majority of cases, [and therefore] the legal profession must take a comprehensive approach to ensuring that AI is integrated responsibly and ethically into all forms of legal services." This, of course, remains very true today.

In *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J.L. & TECH 150 (2022), available at https://ssrn.com/abstract=4090984, my research picked up where *Ethical Issues in Robo-Lawyering* left off by further defining important aspects of the emerging AI-driven legal services landscape. The article was among the first to provide a comprehensive analysis of artificial intelligence's promise and peril in the legal services landscape. It articulated the concerns of a two-tiered system of legal services that would only exacerbate power imbalances through AI, and it provided a taxonomy of the barriers to accessing and designing effective legal AI. The article argued that the key to fulfilling legal AI's promise – and avoiding its peril – is maximizing widespread stakeholder access to the resources and cross-industry relationships necessary to tailor AI to the specific consumers, legal issues, and underlying tasks in each case. The article concluded that several emerging regulatory reforms and mechanisms may be needed to improve access to AI across the landscape and ultimately improve access to justice.

My most recent full length article, *Toward National Regulation of Legal Technology: A Path Forward for Access to Justice*, 92 FORDHAM L. REV. 1 (2023), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4565341, used *Access to A.I. Justice*'s framework to contemplate shifting certain regulatory reform processes from the state level to the national level, including by establishing a national "legal regulatory sandbox" (similar to what the Practice of Law Board has recommended to the Washington Supreme Court).

Just this week, I also published an essay titled *Technology Competence as a Compass for Helping to Close the Justice Gap*, 20 U. ST. THOMAS L.J. 129 (2024) (symposium contribution), available at https://researchonline.stthomas.edu/esploro/outputs/journalArticle/Technology-Competence-as-a-Compass-for/991015177199003691. The essay explores the intersection of the access-to-justice gap and lawyers' duty of technology competence, as articulated in an amendment to the commentary of the American Bar Association's Model Rule of Professional Conduct for lawyer competence, which has been adopted in some form by most U.S. jurisdictions, including Washington state. The essay argues that the duty of technology competence could serve as a compass in navigating modern challenges to leveraging legal technology to combat the justice gap. It aims to advance early dialogues concerning the intersection of legal technology, technology competence, and access to justice, and to provide a framework for legal service providers, regulators, and educators to embrace and conceptualize these intersections as opportunities to make real inroads into closing the access to justice gap.

My current research involves international and comparative perspectives on legal technology, access to justice, and relevant regulations of legal services. All of these works would inform my contributions to the task force. For an extensive list of my other publications and speaking engagements on these issues, please see my enclosed CV.

I currently reside in Spokane, though I would make every effort to participate as fully as possible (in person or remotely) in any meetings that take place on the west side of the state. (I will be teaching at Gonzaga's campus in Florence, Italy, from approximately May 5 to June 18.) I am not currently licensed in Washington state, although I expect to be in the next year or so. I am licensed in Washington, D.C. As a native of Vancouver, WA, I care deeply about our state,

its residents, and their access to legal services, and I commend the WSBA for convening this Task Force.

I hope to have the opportunity to contribute to the Task Force's development of tangible steps to support and strengthen the use of technology within the legal profession in Washington state.

Please do not hesitate to contact me if you need any further information, and my sincerest thanks for considering my application.

Very truly yours,

Drew T. Simshaw
Assistant Professor of Law
Clute-Holleran Scholar in Corporate Law
[redacted]

Enclosure: CV

Drew Simshaw

Gonzaga University School of Law

[redacted]

Academic Appointments

GONZAGA UNIVERSITY SCHOOL OF LAW, Spokane, WA
Assistant Professor, 2019 – present
Clute-Holleran Scholar in Corporate Law, 2020-present

Courses:
- Professional Responsibility
- Criminal Law
- Legal Research & Writing I
- Legal Research & Writing II
- International Privacy Law (Florence)

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC
Visiting Associate Professor of Law, Legal Practice, 2018 – 2019
Clinical Teaching Fellow & Staff Attorney, Communications & Technology Law Clinic, 2015 – 2017

ELON UNIVERSITY SCHOOL OF LAW, Greensboro, NC
Legal Method and Communication Fellow, 2017 – 2018

Publications

Law Review Publications:

- *Globally-Informed Regulation of Legal Technology* (work in progress).
- *Technology Competence as a Compass for Helping to Close the Justice Gap*, 20 U. ST. THOMAS L.J. 129 (2024) (symposium contribution), available at https://researchonline.stthomas.edu/esploro/outputs/journalArticle/Technology-Competence-as-a-Compass-for/991015177199003691.
- *Toward National Regulation of Legal Technology: A Path Forward for Access to Justice*, 92 FORDHAM L. REV. 1 (2023), available at https://ssrn.com/abstract=4565341.
- *Access to AI Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J.L. & TECH 150 (2022), available at https://ssrn.com/abstract=4090984.
- *Ethical Issues in Robo-Lawyering: The Need for Guidance on Developing and Using Artificial Intelligence in the Practice of Law*, 70 HASTINGS L.J. 173 (2018), available at https://ssrn.com/abstract=3308168.
- *Title IX in the Technological Age – Challenging Rape Culture and Myths Through Fairer Use of Electronic Communications*, 6 TENN. J. RACE GENDER & SOC. JUST. 275 (2017) (symposium issue), available at https://ssrn.com/abstract=3135467.
- *Regulating Healthcare Robots: Maximizing Opportunities While Minimizing Risks*, 22 RICH. J. L. & TECH. 3 (2016) (lead author, with Nicolas Terry, Dr. Kris Hauser, & Dr. M.L. Cummings), available at https://ssrn.com/abstract=2739462.

- *Legal Ethics and Data Security: Our Individual and Collective Obligation to Protect Client Data*, 38 AM. J. TRIAL ADVOC. 549 (2015) (symposium issue), available at https://ssrn.com/abstract=2668174.

- *Consumer Cloud Robotics and the Fair Information Practice Principles: Recognizing the Challenges and Opportunities Ahead*, 16 MINN. J. L. SCI. & TECH. 145 (2015) (with Andrew Proia & Dr. Kris Hauser), available at https://ssrn.com/abstract=2466723.

- Note, *Survival of the Standard: Today's Public Interest Requirement in Television Broadcasting and the Return to Regulation*, 64 FED. COMM. L.J. 401 (2012), available at https://ssrn.com/abstract=2607624.

Book Contributions:

- Chapter, "Cybersecurity and the Legal Profession," in *Cybersecurity in Our Digital Lives*, National Cybersecurity Institute, Hudson Whitman/Excelsior College Press, Mar. 2015, (with Andrew Proia), http://hudsonwhitman.com/books/cybersecurity-in-our-digital-lives/.

- "Privacy Rights in the Digital Age" (encyclopedia), contributing author, entries on the Federal Communications Commission (FCC), Fair Information Practice Principles (FIPPs), and Health Insurance Portability and Accountability Act (HIPAA), Grey House Publishing (2015, updated 2019), http://www.greyhouse.com/privdigital.htm.

Peer Reviewed Publications:

- Essay, *Law School Memories: Building Empathy by Connecting to One's Earlier Self*, 25 LEGAL WRITING 127 (2021).

- Micro-essay, *Artificial Intelligence and the Disappearing Faceless Audience*, PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING, Vol. 27, No. 1, p. 40 (Spring 2019).

- Essay, *Drawing Connections Between Artificial Intelligence, Cognition, and Legal Skills*, 23 LEGAL WRITING 18 (2019), available at http://www.legalwritingjournal.org/2019/02/13/drawing-connections-between-artificial-intelligence-cognition-and-legal-skills/.

- "Ethical Implications of Electronic Communication and Storage of Client Information," THE COMPUTER & INTERNET LAWYER, Vol. 33, No. 8, Aug. 2016, available at https://ssrn.com/abstract=2814313, originally published in RES GESTAE, *The Journal of the Indiana State Bar Association*, Dec. 2015, Vol. 59, No. 5, available at https://issuu.com/res_gestae/docs/rg-12-15.

Other Publications:

- Blog post, "Teach the students, not the course," TEACHLAWBETTER.COM, January 15, 2019, https://teachlawbetter.com/2019/01/15/new-year-new-perspectives/.

- "Cybersecurity is Not One Size Fits All: Solo and Small Firm Perspective," AMERICAN BAR ASSOCIATION CYBERSECURITY LEGAL TASK FORCE (with Stephen S. Wu) (2018).

- "The Role of Artificial Intelligence in Law and Discovery: Is it J.A.R.V.I.S. or Skynet?," BLOOMBERG BNA EDISCOVERY PRACTICE CENTER, https://www.bna.com/e-discovery/ (with Martin Tully, Herb Roiblat, & Lucy Dillon) (2018).

- "Ethics and Cybersecurity: Obligations to Protect Client Data," 2015 AM. BAR ASS'N SECT. LAB. & EMP. LAW. 12 (2015) (for National Symposium on Technology in Labor and Employment Law, San Francisco,

CA, March 15-17, 2015) (with Stephen Wu), available at http://www.americanbar.org/content/dam/aba/events/labor_law/2015/march/tech/wu_cybersecurity.authcheckdam.pdf.

- "Data Collection, Privacy, and the Role of Regulatory Agencies in Healthcare Robotics," in *Proceedings of the 10th ACM/IEEE International Conference on Human-Robot Interaction, 2015*, Workshop: The Emerging Policy and Ethics of Human-Robot Interaction, Mar. 2, 2015, available at http://www.openroboethics.org/hri15/wp-content/uploads/2015/02/Hf-Simshaw.pdf.

Presentations

Conferences, Symposia, CLEs, & Webinars:

- **STATE BAR OF WISCONSIN'S LEGAL SERVICES COMMITTEE EQUAL JUSTICE CONFERENCE**, Invited Presenter, "Legal Technology and Access to Justice," Milwaukee, WI, Apr. 26, 2024 (virtual) (scheduled).

- **GEORGIA STATE UNIVERSITY COLLEGE OF LAW**, Invited Keynote Speaker, Georgia State University Law Review Symposium, "AI & the Law: Practice, Ethics, & Access," Atlanta, GA, March 22, 2024.

- **LAW & TECHNOLOGY WORKSHOP**, Invited Discussant for "Gray Advice" by Keith Porcaro, February 14, 2024 (online) (scheduled).

- **2024 AALS ANNUAL MEETING**, Discussion Group Speaker, "Leveling the Playing Fields in Legal Education & Legal Services Through Generative AI," Washington, DC, Jan. 5, 2024.

- **ROCKY MOUNTAIN JUNIOR SCHOLARS FORUM, BYU SCHOOL OF LAW**, Presenter and Participant, "Globally-Informed Regulation of Legal Technology," Provo, UT, Nov. 16, 2023.

- **WASHINGTON STATE ASSOCIATION OF COUNTIES ANNUAL MEETING**, Invited Panel Presenter, "AI in Law, Legal Problem-solving, and Legal Education," Spokane, WA, Nov. 15, 2023.

- **WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS**, Invited Presenter for November Meeting of the Board of Governors, "Regulation of Technology-Driven Legal Services" (online), Seattle, WA, Nov. 2, 2023.

- **INTERNATIONAL ACCESS TO JUSTICE FORUM 2023, UNIVERSITY OF CALIFORNIA-IRVINE SCHOOL OF LAW**, Accepted Presenter, "Globally-Informed Regulation of Legal Technology," Irvine, CA, Oct. 12, 2023.

- **ST. MARY'S SCHOOL OF LAW**, Accepted Presenter, *Legal Education's Next Generation: Embracing Online, ChatGPT and Technology in Pedagogy and Practice*, "Thinking Big About Legal AI: Lessons in Legal Ethics, Comparative Lawyer Regulation, and Access to Justice" (online), Sep. 22, 2023.

- **WASHINGTON STATE BAR ASSOCIATION**, Invited Presenter, CLE: *Innovations in Legal AI – From Practice to Policy*, "The Ethical, Regulatory, Access-to-Justice Implications of Legal AI" (online), Aug. 10, 2023.

- **INSTITUTO IOMG**, Invited Keynote Presenter and Panelist, *CEIL: Fourth International Congress on Legal Strategy*, Keynote Presentation: "Legal Structure, Ethics, and Reliability: Law, Strategy, and Ethics of Artificial Intelligence," Panelist: "Digitalized Healthcare: Risks and Opportunities," Santo Domingo, Dominican Republic, Aug. 3-4, 2023.

- **NOTTINGHAM TRENT UNIVERSITY LAW SCHOOL**, Accepted Presenter, Global Legal Skills Conference, "International and Comparative Legal Technology," Nottingham, UK, Jul. 31, 2023.

- **KING COUNTY BAR ASSOCIATION APPELLATE PRACTICE SECTION**, Invited Presenter, "The Impact of Artificial Intelligence on Legal Services" (online), Jun. 21, 2023.

- **AALS SECTION ON TECHNOLOGY, LAW AND LEGAL EDUCATION SUMMER SEEDLING SCHOLARSHIP WORKSHOP**, Discussant for John Bliss, "Teaching Law in the Age of Generative AI" (online), Jun. 13, 2023.

- **UNIVERSITY OF DENVER STURM COLLEGE OF LAW**, Invited Presenter, Legal Ethics Schmooze, Denver, CO, May 26-27, 2023.

- **WASHINGTON STATE PRACTICE OF LAW BOARD**, Presenter, "Toward National Regulation of Legal Technology" (online), Jan. 18, 2023.

- **2023 AALS ANNUAL MEETING**, Selected Work-in-Progress Presentation, "Toward National Regulation of Legal Technology," Technology, Law, & Legal Education Section, San Diego, CA, Jan. 7, 2023.

- **UNIVERSITY OF ST. THOMAS LAW JOURNAL SYMPOSIUM**, *A Roadmap for Law School Modernity: Teaching Technology Competence*, Accepted Presenter, "Technological Competence as a Compass for Helping to Close the Justice Gap," Minneapolis, MN, Nov. 4, 2022.

- **AALS SECTION ON PROFESSIONAL RESPONSIBILITY JUNIOR SCHOLARS WORKSHOP**, Accepted Presenter, "Toward National Regulation of Legal Technology" (online), Oct. 21, 2022.

- **WASHINGTON STATE BAR ASSOCIATION FAMILY LAW SECTION**, Invited Podcast Guest, "AI in Legal Software," for the Washington Family Law Reporter, Aug. 18, 2022.

- **GONZAGA 2022 INTERNATIONAL HUMAN RIGHTS CONFERENCE**, Panel Moderator, "Artificial Intelligence, Government, Corporation & Human Rights," Florence, Italy, May 27, 2022.

- **GONZAGA UNIVERSITY SCHOOL OF LAW**, Organizer and Moderator, Annual Clarke Prize in Legal Ethics Conference, "Legal Analytics: Ethical Issues with Data-Driven Law," Spokane, WA, Apr. 21, 2022.

- **WASHINGTON STATE BAR ASSOCIATION**, Invited Presenter, "The Impact of Artificial Intelligence on Legal Services," WSBA Legal Lunchbox Series (online, 2,400 registered attendees), Apr. 26, 2022.

- **WASHINGTON APPELLATE JUDICIAL CONFERENCE**, Invited Presenter, "The Rise of Judicial Analytics" (online), Mar. 22, 2022.

- **LOYOLA UNIVERSITY CHICAGO**, Invited Participant, First Annual Legal Scholars Roundtable on Artificial Intelligence (online), Mar. 18, 2022.

- **ROCKY MOUNTAIN JUNIOR SCHOLARS FORUM**, Participant, "Datafying the Bench: Judicial Analytics' Impact on Legal Arguments, Judicial Opinions, and the Evolution of Law" (online), Nov. 11, 2021.

- **NORTHWESTERN UNIVERSITY SCHOOL OF LAW**, Presenter, *Symposium on Artificial Intelligence and the Legal Profession*, sponsored by the Legal Writing Institute and the Journal of the Legal Writing Institute (online), Sep. 25, 2021 (with Amy Cyphert).

- **GONZAGA UNIVERSITY SCHOOL OF LAW**, Organizer and Moderator, Annual Clarke Prize in Legal Ethics Conference, Regulatory Reform as a Means to Increase Access to Justice (online), Apr. 15, 2021.

- **UNIVERSITY OF AKRON SCHOOL OF LAW**, Invited Commenter, Law Review Symposium: COVID & The Practice of Law: Impacts of Legal Technology (online), Mar. 12, 2021.

- **WEST VIRGINIA UNIVERSITY SCHOOL OF LAW**, Invited Panelist (for two panels), Law Review Symposium, Artificial Intelligence and the Law, "Artificial Intelligence and Public Interest" and "Artificial Intelligence and Legal Ethics" (online), Feb. 26, 2021.

- **INSTITUTE FOR GLOBAL UNDERSTANDING OF RULE OF LAW AT BAHÇEŞEHIR ÜNIVERSITESI**, Selected Presenter, Transnational Conference on the Future of Legal Education, the Practice of Law, and the Judiciary with a focus on Disruption in the Legal Sector: How Technology Can Enable Educators, Students, Lawyers, and Judges Around the Globe to Stabilize the Sector and Provide Access to Justice, "Access to AI Justice" (online), Feb. 15, 2021.

- **FIRST ANNUAL PACIFIC NORTHWEST SCHOLARS WORKSHOP**, Presenter, "Access to AI Justice" (online), Feb. 5, 2021.

- **2021 AALS ANNUAL MEETING**, Selected Presenter, "The Future Has Arrived: The Impact of Artificial Intelligence on Legal Writing and Research" (online), Jan. 6, 2021 (with Dyane O'Leary & Joe Regalia).

- **WASHINGTON STATE BAR ASSOCIATION**, Invited CLE Presenter, "Navigating Ethical Issues with Emerging Legal Technology" (online), Dec. 2, 2020.

- **ROCKY MOUNTAIN JUNIOR SCHOLARS CONFERENCE**, Participant, "Access to AI Justice" (online), Nov. 6, 2020.

- **WASHINGTON STATE BAR ASSOCIATION SOLO & SMALL FIRM CONFERENCE**, Invited Panelist, "Ethical Issues in the Age of COVID-19" (online), Aug. 24, 2020.

- **GONZAGA UNIVERSITY SCHOOL OF LAW SUMMER SCHOLARSHIP ROUNDTABLE**, Presenter, "Access to AI Justice" (online), Aug. 6, 2020.

- **GONZAGA UNIVERSITY SCHOOL OF LAW SPEAKER SERIES**, Presenter, "Regulating Online Legal Self-Help Services," Spokane, WA, Feb. 13, 2020.

- **AMERICAN BAR ASSOCIATION ARTIFICIAL INTELLIGENCE AND ROBOTICS NATIONAL INSTITUTE**, Invited Panelist, Santa Clara, CA, Jan. 9, 2020.

- **2020 AALS ANNUAL MEETING**, Discussion Group Speaker, "The Multi-Generational Teaching of Legal Writing," Washington, DC, Jan. 3, 2020.

- **LEGAL WRITING INSTITUTE ONE-DAY WORKSHOP, GONZAGA UNIVERSITY SCHOOL OF LAW**, Presenter, "Legal Research, Writing, and Robots: Is it time for 'Legal AI' to be part of the core curriculum?" Spokane, WA, Dec. 7, 2019.

- **THE AMERICAN EMPLOYMENT LAW COUNCIL 27TH ANNUAL CONFERENCE**, Invited Plenary Speaker, "Ethical Implications Regarding Use of Artificial Intelligence," Ojai, CA, Oct. 25, 2019 (with Sandra McCandless).

- **WESTERN REGIONAL LEGAL WRITING CONFERENCE**, Presenter, "Recognizing Generational and Cultural Perspectives on Technology as Drivers in the Development of Professional Identity, Cultural Competence, and Ethical Proficiency," Santa Clara University School of Law, Santa Clara, CA, Sep. 21, 2019 (with Sandra Simpson).

- **INSTITUTE FOR LAW TEACHING AND LEARNING**, Presenter, Preparing the Law Students of Today for the Legal Tech of Tomorrow, Washburn University School of Law, Topeka, KS, Jun. 3, 2019.

- **DUQUESNE UNIVERSITY SCHOOL OF LAW**, Presenter, Artificial Intelligence: Thinking About Law, Law Practice, and Legal Education, Pittsburgh, PA, Apr. 27, 2019.

- **GONZAGA UNIVERSITY SCHOOL OF LAW**, Invited Panelist, Clarke Legal Ethics Conference, Artificial Intelligence in the Practice of Law, Spokane, WA, Apr. 25, 2019.

- **SANTA CLARA COUNTY AND AMERICAN BAR ASSOCIATIONS, ARTIFICIAL INTELLIGENCE AND ROBOTICS COMMITTEES**, Invited Webinar Presenter, "Ethical Considerations with Artificial Intelligence in Law Practice," hosted by the Silicon Valley Law Group, San Jose, CA, Jan. 23, 2019.

- **2019 NORTH AMERICAN NEUROMODULATION SOCIETY 22ND ANNUAL MEETING**, Invited Presenter, "What Should Informed Consent Detail Regarding the Cybersafety of Neuromodulation Implantable Devices?" Las Vegas, NV, Jan. 18, 2019.

- **SOUTHEASTERN REGIONAL LEGAL WRITING CONFERENCE**, Presenter, "Understanding the Endowment Effect in the Legal Writing Process," Georgia State University College of Law, Atlanta, GA, Apr. 21, 2018.

- **NORTH CAROLINA TECHNOLOGY ASSOCIATION**, Invited Panelist, "NC Tech Talk Live: Ethics in Artificial Intelligence," Raleigh, NC, Feb. 16 2018.

- **2018 AALS ANNUAL MEETING**, Discussion Group Speaker, "Access to Justice in the Age of Technology, Television & Trump," San Diego, CA, Jan. 3, 2018.

- **LEGAL WRITING INSTITUTE ONE-DAY WORKSHOP, ELON UNIVERSITY SCHOOL OF LAW**, Presenter, "When and How to Introduce Email into the First Year Legal Writing Curriculum," Greensboro, NC, Dec. 8, 2017.

- **GEORGETOWN LAW'S 14TH ANNUAL ADVANCED EDISCOVERY INSTITUTE**, Invited Panelist, "Artificial Intelligence in Law and Discovery," Washington, DC, Nov. 16, 2017.

- **ELON UNIVERSITY COMMUNITY CONNECTIONS, ELON UNIVERSITY**, Invited Panelist, "Technology, the Workplace, and the Future," Elon, NC, Oct. 23, 2017.

- **2017 CENTER FOR APPLIED CYBERSECURITY RESEARCH SUMMIT, INDIANA UNIVERSITY**, Invited Panelist, "Ethical and Policy Issues Surrounding Automation," Bloomington, IN, Oct. 19, 2017.

- **2017 NOVA LAW REVIEW SYMPOSIUM, ENTREPRENEURSHIP 2.0: LEGAL, REGULATORY, AND ECONOMIC CHALLENGES TO THE INNOVATION ECONOMY, SHEPARD BROAD COLLEGE OF LAW - NOVA SOUTHEASTERN UNIVERSITY**, Panelist, "Lawyers' Professional Duties as Advisors on—and Consumers and Developers of—New and Evolving Technologies," Fort Lauderdale, FL, Oct. 6, 2017.

- **WE ROBOT 2017: SIXTH ANNUAL CONFERENCE ON ROBOTICS, LAW & POLICY, YALE LAW SCHOOL**, Panelist, "Robot Lawyers: Improving Access to Justice Through Ethical Design of Artificial Intelligence in the Practice of Law," New Haven, CT, Mar. 31, 2017.

- **MID-ATLANTIC CLINICAL WRITERS' WORKSHOP, GEORGETOWN LAW**, Presenter, "Robot Lawyers: Improving Access to Justice Through Ethical Design of Artificial Intelligence in the Practice of Law," Washington, DC, Mar. 24, 2017.

- **TENNESSEE JOURNAL OF RACE, GENDER, & SOCIAL JUSTICE SUMMIT, TITLE IX: HISTORY, LEGACY, & CONTROVERSY, UNIVERSITY OF TENNESSEE COLLEGE OF LAW**, Panelist, "Title IX in the Technological Age," Knoxville, TN, Mar. 2, 2017.

- **NORTH CAROLINA BAR ASSOCIATION 2016 PROFESSIONALISM CLE**, Invited Keynote Presenter: "Current Issues in Law Firm and Lawyer Use of Social Media and Online Technology," Cary, NC, Dec. 9, 2016.

- **SANTA CLARA COUNTY AND AMERICAN BAR ASSOCIATIONS, ARTIFICIAL INTELLIGENCE AND ROBOTICS COMMITTEES**, Invited Presenter, "Artificial Intelligence in the Practice of Law," hosted by the Silicon Valley Law Group (online), San Jose, CA, Oct. 26, 2016.

- **FEDERAL COMMUNICATIONS BAR ASSOCIATION, PROFESSIONAL RESPONSIBILITY AND PRIVACY AND DATA SECURITY COMMITTEES, CLE ON ETHICS AND NEW TECHNOLOGIES**, Invited Panelist, "Cloud Computing and Other Internet Tools: Using Them Ethically and Preventing and Mitigating Their Abuse," Washington, DC, Oct. 25, 2016.

- **INDIANA STATE BAR ASSOCIATION UTILITY LAW SECTION 2016 FALL SEMINAR**, Invited Presenter, "Hackers Targeting Lawyers: Ethical Duties to Guard Client Information," Michigan City, IN, Sep. 15, 2016.

- **2016 DESIGN OF MEDICAL DEVICES CONFERENCE, UNIVERSITY OF MINNESOTA**, Invited Presenter, "Regulatory Aspects of Robots in Health Care," Minneapolis, MN, Apr. 12, 2016.

- **SOUTH CAROLINA LAW REVIEW 2016 SYMPOSIUM: CYBER ATTACKS & CIVIL LIABILITY, UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW**, Panelist, "Data Security Concerns and Consequences for Clients and Lawyers," Columbia, SC, Feb. 5, 2016.

- **CHAPMAN LAW REVIEW SYMPOSIUM, CYBER WARS: NAVIGATING RESPONSIBILITIES FOR THE PUBLIC AND PRIVATE SECTOR, CHAPMAN UNIVERSITY FOWLER SCHOOL OF LAW**, Panelist, "Cybersecurity for the Practitioner: Client Security, Discovery, and Ethical Considerations," Orange, CA, Jan. 29, 2016.

- **INDIANA STATE BAR ASSOCIATION CLE**, Invited Presenter and Panelist, "Ethical Obligations & Technology in Law Practice," Lafayette, IN, Jun. 18, 2015.

- **LEGAL NETLINK ALLIANCE SPRING MEETING 2015**, Invited Presenter, "Cybersecurity Issues for Lawyers," Indianapolis, IN, May 15, 2015.

- **WE ROBOT 2015: FOURTH ANNUAL CONFERENCE ON ROBOTICS, LAW & POLICY, UNIVERSITY OF WASHINGTON SCHOOL OF LAW**, Presenter, "Regulating Healthcare Robots in the Hospital and the Home: Considerations for Maximizing Opportunities and Minimizing Risks," Seattle, WA, Apr. 10, 2015.

- **10TH ACM/IEEE INTERNATIONAL CONFERENCE ON HUMAN-ROBOT INTERACTION**, Panelist, "Human Robot Interaction: Law on the Home Front," Portland, OR, Mar. 3, 2015.

- **AMERICAN JOURNAL OF TRIAL ADVOCACY SYMPOSIUM: PRACTICING LAW IN THE AGE OF SURVEILLANCE AND HACKERS: AN EXPLORATION OF PRIVACY AND DATA SECURITY, SAMFORD UNIVERSITY CUMBERLAND SCHOOL OF LAW**, Panelist, "Protecting Client Data in an Age of Uncertainty," Birmingham, AL, Feb. 27, 2015.

- **SANTA CLARA COUNTY AND AMERICAN BAR ASSOCIATIONS, ARTIFICIAL INTELLIGENCE AND ROBOTICS COMMITTEES**, Invited Presenter, "Information Governance for Robot Usage in Healthcare," hosted by the Silicon Valley Law Group (online), San Jose, CA, Feb. 25, 2015.

- **INDIANA STATE BAR ASSOCIATION LEGAL ETHICS COMMITTEE**, Invited Presenter, "Lawyers' Heads in the Clouds: Ethics Implications of Electronic Communication & Storage of Client Information," Indianapolis, IN, Sep. 27, 2014.

- **SANTA CLARA COUNTY AND AMERICAN BAR ASSOCIATIONS, ARTIFICIAL INTELLIGENCE AND ROBOTICS COMMITTEES**, Invited Presenter, "Cloud Robotics: Data Security & Privacy," hosted by the Silicon Valley Law Group (online), San Jose, CA, Aug. 27, 2014 (with Dr. Kris Hauser).

- **WE ROBOT 2014: THIRD ANNUAL CONFERENCE ON ROBOTICS, LAW & POLICY, UNIVERSITY OF MIAMI SCHOOL OF LAW**, Panelist, "Robots and Social Justice," Coral Gables, FL, Apr. 4, 2014.

- **2013 CYBER SECURITY FOR NATIONAL SECURITY (CS4NS) CONFERENCE**, Panelist, "IT Security Policy Design and Evaluation: How to evaluate and design a security policy for an organization," Charleston, SC, Sep. 10, 2013.

Invited Guest Lectures:

UNIVERSITY OF WASHINGTON SCHOOL OF LAW, Seattle, WA
- **Technology Law and Public Policy Clinic (Prof. William E. Covington)**, September 27, 2023
  Guest lecture and discussion (online) on generative artificial intelligence and the law

HOWARD UNIVERSITY SCHOOL OF LAW, Washington, DC
- **Clinic Orientation**, August 17, 2018
  Invited guest lecture on "Professional responsibility in the digital age" for clinical student orientation
- **Externship Program,** June 20, 2018
  Invited two-hour interactive session on "Ethics in an era of new technologies" for students in summer externship program

ELON UNIVERSITY SCHOOL OF LAW, Greensboro, NC
- **Professional Responsibility Courses**, summer 2017
  Guest lectures on the legal ethics challenges of practicing in an age of social media online technologies

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC
- **Delaney Post-Graduate Residency Program**, fall 2016
  Invited workshop on "New technology, social media, & ethics"
- **Externship Program,** fall 2015 – spring 2016
  Invited guest lectures on "Ethics with the backdrop of novel technologies"

INDIANA UNIVERSITY MCKINNEY SCHOOL OF LAW, Indianapolis, IN
- **Professor Nicolas Terry's Health Information Technology Law Class**, spring 2015
  Invited guest commenter addressing robotics, artificial intelligence, privacy, security, and ethics

Academic Service

- Gonzaga Law Review, Co-Faculty Advisor, 2022 – present
- Faculty Recruitment Committee, Member, Gonzaga University School of Law, 2023 – present
- Law School Implementation of Proposed University Faculty Handbook, Co-Coordinator, 2023 – present

- University Faculty Compensation Philosophy Committee Member, 2023 – present.
- Organizer, Clarke Family Prize Program in Legal Ethics, 2020 – present
    - Organize annual CLE in legal ethics and professionalism
    - Organize annual student competition in legal ethics and professionalism
- Faculty Senate, Law School Representative, 2019 – present
    - Academic Committee, 2019 – present
- Gonzaga Magazine Advisory Council, Member, 2021 – present
- Law Library Advisory Committee, Member, 2021 – 2022
- Executive J.D. Program Advisory Committee, Member, Gonzaga University School of Law, 2020 – 2022
- Academic Affairs Committee, Member, Gonzaga University School of Law, 2020 – 2021
- Communications Committee, Member, Gonzaga University School of Law, 2019 – 2020
- Ad Hoc Curriculum Reform Committee, Member, Gonzaga University School of Law, 2020
- Ad Hoc Experiential Learning Committee, Member, Gonzaga University School of Law, 2019

Professional Service

- 2024 Legal Writing Institute Biennial Conference Programming Committee, 2022 – present
- AALS Section on Law, Technology and Legal Education, Scholarship Committee, 2022 – 2023
- Washington Disciplinary Advisory Round Table, Member, 2021 – present
- Washington State Supreme Court Practice of Law Board, Member, 2020 – present
- *Legal Writing: The Journal of the Legal Writing Institute*, Editorial Board Member, 2020 – present
- American Bar Association, Artificial Intelligence & Legal Ethics Working Group, Member, 2019 – 2020

Invited Research Reviews

- Invited review of research proposal concerning generative AI and access to justice, The Dutch Research Council, 2024
- Invited (double blind) manuscript peer reviewer, Jurimetrics: The Journal of Law, Science, and Technology, 2023
- Invited textbook manuscript peer review, *Briefs and Beyond: Persuasive Legal Writing* (Beazley & Smith), 2019
- Invited manuscript peer reviewer, Transactions on Human-Robot Interaction, 2019
- Invited manuscript peer reviewer, Journal of Human Robot Interaction, 2016

Awards & Honors

- Recipient, *2017 H. Latham Breunig Humanitarian Award*, awarded biennially by Telecommunications for the Deaf and Hard of Hearing, Inc., in recognition of *pro bono* advocacy on behalf of people with disabilities
- Winner, *Indiana State Bar Association 2014 Legal Ethics Writing Contest*

- Exemplary Student Note, *Federal Communications Law Journal*, spring 2011

Media

- Quoted in Bloomberg Law, Justin Wise, "Lawyer's AI Blunder Shows Perils of ChatGPT in 'Early Days,'" Apr. 25, 2023, https://www.reuters.com/legal/transactional/artificial-intelligence-poised-hinder-not-help-access-justice-2023-04-25/.
- Quoted in Reuters, Hassan Kanu, "Artificial intelligence poised to hinder, not help, access to justice," Apr. 25, 2023, https://www.reuters.com/legal/transactional/artificial-intelligence-poised-hinder-not-help-access-justice-2023-04-25/.
- Quoted in Wall Street Journal, Asa Fitch, "Would You Trust a Lawyer Bot with Your Legal Needs?" Aug. 10, 2020, https://www.wsj.com/articles/would-you-trust-a-lawyer-bot-with-your-legal-needs-11597068042.
- Quoted in Motherboard - Tech by Vice, Todd Feathers, "This Company Is Using Racially-Biased Algorithms to Select Jurors," March 3, 2020, https://www.vice.com/en/article/epgmbw/this-company-is-using-racially-biased-algorithms-to-select-jurors.
- Interviewed by KREM (Spokane, WA), "VERIFY: The president cannot withhold funds from schools that don't reopen in the fall," Jul. 21, 2020, https://www.krem.com/video/news/verify/verify-president-cannot-withhold-school-funds-not-opening/293-7bede1c0-5fb8-4a81-aa46-280533b6f8b2.
- Quoted in Wall Street Journal, Adam Janofsky, "Law Firms Increasingly Questioned Over Cybersecurity," Dec. 29, 2016, https://www.wsj.com/articles/law-firms-increasingly-questioned-over-cybersecurity-1483052163.
- Quoted in Motherboard, Sam Gustin, "The FCC Just Approved a Landmark New Way For Deaf People to Communicate," Dec. 18, 2016, https://motherboard.vice.com/en_us/article/qkjm5v/the-fcc-just-approved-a-landmark-new-way-for-deaf-people-to-communicate.

Education

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC
LL.M. in Advocacy *with distinction*, Oct. 2017
Fellowship: Institute for Public Representation, Staff Attorney & Clinical Teaching Fellow

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN
J.D., May 2012
Journal: Federal Communications Law Journal, *Articles Editor*
Research Assistantship: Sophia Goodman, Director, Legal Research and Writing Program
Study Abroad: Florence Institute on International and Comparative Law, University of San Diego (Italy)

UNIVERSITY OF WASHINGTON, Seattle, WA
B.A., *cum laude*, Jun. 2007
Major: Political Science
Minors: Law, Societies and Justice; Philosophy; Human Rights

Other Legal & Policy Experience

INDIANA UNIVERSITY, CENTER FOR LAW, ETHICS, AND APPLIED RESEARCH IN HEALTH INFORMATION, Bloomington, IN
Information Security Law & Policy Analyst, Mar. 2013 – Jun. 2015

INDIANA UNIVERSITY, CENTER FOR APPLIED CYBERSECURITY RESEARCH (CACR), Bloomington, IN
Postdoctoral Fellow in Information Security Law & Policy, Aug. 2012 – Feb. 2013

KAREN BRINKMANN PLLC: TELECOMMUNICATIONS, MEDIA & TECHNOLOGY LAW, Washington, DC
Summer Associate, Jun. – Aug. 2011

KENTUCKY COURT OF APPEALS, Frankfort, KY
Summer Clerk, May – June 2011

Bar Admissions

- District of Columbia
- Indiana (now inactive)
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Third Circuit

Professional Memberships

- American Bar Association
- Legal Writing Institute

From: Christon Skinner
To: Bar Leaders
Cc: Diana Kiesel
Subject: [External]WSBA Legal Technology Task Force
Date: Monday, March 18, 2024 12:09:58 PM
Attachments: image001.png

You don't often get email from [redacted]. Learn why this is important

Good morning –

In response to the WSBA email dated March 13, 2024, I would like to be considered for appointment to the WSBA's Legal Technology Task Force.

I am currently in judicial status after being elected to serve in position 1 on the Island County Superior Court in November of 2020. Prior to that I operated a private law practice in Oak Harbor, Washington for approximately 41 years. I am co-chair with Judge Diana Kiesel, on the Superior Court Judge's Association's Technology Committee. I believe there could be some benefit to having a representative from the judiciary on the task force and I am sure our SCJA Technology committee will benefit from information exchanged as well.

Please let me know if you require anything further from me in terms of a "resume."

Christon C. Skinner
Judge – Dept 1
Island County Superior Court

Email: c.skinner@islandcountywa.gov
U.S. Mail:
1 NE 7th Street
Coupeville, WA 98239
Ph: (360) 679-7361

From: Kenneth Zigler
To: Bar Leaders
Cc: Adewale, Francis
Subject: [External]Chair position for WSBA technology task force
Date: Friday, February 9, 2024 3:52:14 PM
Attachments: CV of Kenneth R Zigler (updated 2-9-2024).pdf

My name is Ken Zigler, I am a fourteen year member of the Washington State Bar Association. In my fourteen years, I have obtained a B.S. in Computer Science and took and passed the patent bar examination. I have also served as President of the Spokane County Bar Association and have been a member of the board of trustees for five years. I've also served at the state level as a member of the Board of Bar Examiners for twelve years.

I am writing to ask that I be appointed to the Chair position for the WSBA technology task force. I have a very strong interest in this field and have kept myself abreast of developments in artificial intelligence in my free time. I am very excited for the opportunity to chair such an important task force. Under my leadership, the work that the task force will do will be vitally important to the future of the profession. It would be an honor to use my experience in bar leadership and technology to mold the rules the profession will use long into the future.

To address the qualifications of the position, I am prepared and able to spend the time required of the position, I have the subject matter experience, and I have reviewed rhetorical Access to Justice Technology principles and will periodically re-review them and keep them in mind.

Thank you again for creating this task force (if approved). I look forward to hearing from you.

Kenneth R. Zigler
Zigler Family Law, PLLC
201 W North River Dr, Suite 502
Spokane, WA 99201
Telephone: (509) 818-5555
Email: ken@ziglerfamilylaw.com
Sent from mobile. Please excuse informality and autocorrects.

KENNETH R. ZIGLER

Phone: [redacted] 201 W North River Dr., Suite 502 ken@ziglerfamilylaw.com
Spokane, WA 99201

EDUCATION

JD Western New England School of Law May 2009
Graduated Cum laude, top 10%

BS Regis University, College for Professional Studies, Computer Science May 2017
Graduated Magna cum laude

BA Gonzaga University, Criminal Justice May 2006
Minored in Psychology

TEACHING EXPERIENCE

Gonzaga University, Spokane, WA August 2018 to December 2018
Adjunct Professor, School of Law

- Developed a syllabus for and taught Community Property, a law school course with 21 students, covering the following topics: introduction to community property, contracts to opt out of the community property system, commingling, joint tenancy and community property titles, classification of advanced degrees, transmutation, management and control of community property, creditor's rights, and the character of property during separation, divorce, and at death
- Developed class materials and lectures and led discussion using interactive and participative methods of teaching. Used real life examples and experiences and incorporated current news references, pop culture, and sports figures into hypothetical discussions. For example, discussion of Russell Wilson and his subsequent divorce in the context of potential community property interests in supporting a spouse during higher learning or for an advanced degree. Also included students in discussions of current real-life litigation in my practice regarding ongoing court cases throughout the semester.
- Developed and scored a final exam using essay format

RESEARCH EXPERIENCE

Determining Habitual Residence for Purposes of the Hague Convention on the Civil Aspects of International Child Abductions and the International Child Abduction Remedies Act, Western New England Law Review, Springfield, MA, 2007 Discussion of the problems and remedies for parental child abduction across international borders and analysis and proposed resolution of a circuit split on determining whether a removal is wrongful under the Hague Convention. The Supreme Court later resolved the split in favor of the argument I presented in *Monasky v. Taglieri*, 589 U.S. ____ (2020), one of Ruth Bader Ginsberg's final majority opinions.

PUBLICATIONS

Washington State Bar Association, bar exam research materials for the WA Law Component on Community Property and Domestic Partnerships
https://www.wsba.org/docs/default-source/licensing/admissions/bar-exam/washington-lawcomponent.pdf

***Workers' Compensation Law Conference*.** Establishing Jurisdiction for Workers' Compensation Claims in Massachusetts, 2008.
Co-authored materials with a supervising attorney while clerking at a firm in Massachusetts.

PRESENTATIONS AND INVITED LECTURES

Gonzaga University School of Law, "Transitioning from Law School to Managing a Law Practice," 2014.

ABA 12th Circuit Spring Meeting, "Making the Transition from Law School to Practice," 2013.

Spokane County Bar Association, Young Lawyer's Division's Law Day, "Washington Minor in Possession Laws," 2011.

Spokane County Bar Associations, Young Lawyer's Division, Introduction to Spokane Courts CLE, "Legal Ethics Panel – Advertising and Fees," 2011.

PROFESSIONAL TRAINING

Interest-based Mediation Training
Fulcrum Institute, Spokane, WA, 2017
Description: 40-hour course on mediation strategies for resolving a variety of disputes in distribution of property, residential schedules, landlord/tenant, contract negotiations and interpretation, corporate contracts, administrative proceedings, will/trust disputes, and personal injury

PROFESSIONAL AFFILIATIONS

9th Circuit Court of Appeals, Admitted to Practice, 2020.
Argued *Jones v. Fairfield*, No. 21-35159 on August 13, 2021, defending against a Petition to return a minor child to France under the Hague Convention on the International Aspects of Child Abduction. The 9th Circuit vacated the E.D.Wa. decision, which is pending remand.

Washington State Bar Association, Board of Bar Examiners, 2010 – 2022
Wrote and graded bar exams prior to the transition from all essay format to the UBE, MBE, MEE, and MPRE. Upon transition to uniform and multistate examinations, wrote and published study materials for domestic partnerships and community property components of the Washington-specific part of the current bar examination.

Spokane County Bar Association, Board of Directors, 2018 – Present
Currently Past President.
Current responsibilities include monthly meetings and involvement in the executive committee to discuss the policies, direction, and decisions of the SCBA.

United States Patent and Trademark Office, Admitted to practice as a patent attorney, 2018.

Eastern District of Washington, admitted to practice, 2010.
Litigated bankruptcy, personal injury, and Hague Convention/international child abduction cases.

Washington State Bar Association, admitted to practice, 2009.

Hague Convention Attorney Network, Member, 2013 – 2018

Spokane County Bar Association, Solo and Small Practice Section, Charter Member, 2011 – 2015.

Spokane County Bar Association, Young Lawyer's Division, Treasurer/trustee, 2010 – 2012

Western New England Law Review, Associate member, 2007 – 2008

Western New England College School of Law, Sports and Entertainment Law Society, Founder/President, 2006 – 2009

PROFESSIONAL SERVICE

Family Law in the Next Decade, Organizer, Moderator, and Host, Spokane County Bar Association, Jan. 29, 2020. Organized and presented a full-day CLE at Gonzaga University for the local legal community and students of Gonzaga.

COMMUNITY SERVICE

Spokane County Volunteer Lawyers Program
Board of Directors, Spokane, WA, 2018 – present

Union Gospel Mission Legal Clinic
Volunteer Attorney, Spokane, WA, 2013 – 2015

Washington State Bar Association, First Responders' Will Clinic Coordinator, Spokane, WA, 2012 – 2013

Street Law
Volunteer Attorney, Spokane, WA, 2010

HONORS AND AWARDS

Rising Star, Super Lawyers 2017 – 2021
Annual award given by peer nomination.

Top Lawyer, Spokane Coeur d'Alene Living Magazine 2012 – 2021
Annual designation given by local magazine, commensurate with avvo.com ratings.

CALI Awards, CALI 2007 – 2009

Awards received for highest grade in a course. Received for Income Tax I, Copyright, Sports Law, and Conflict of Laws.

Chris Iijima Award, Western New England School of Law 2006

Award granted to the best final brief among 1Ls in the required Legal Research and Writing Course. The winner of this award also has an automatic write-on to the school's flagship Law Review.

HOBBIES, INTERESTS, & RECREATIONAL ACTIVITIES

- Lifetime lover of snow sports
- Triathlon: 2017 Coeur d'Alene Ironman Finisher
- Obstacle Course Racing: Two-time participant at World's Toughest Mudder and 2018 participant in the Spartan Ultra World Championships
- Member of the Spokane Mountaineers. 2021 adventures included summits of Mt. St. Helens and Half Dome and a thru-hike of the North Cascade Enchantments
- Youth soccer coach for all the many years I had youth soccer players in my home
- Bucket list goals: climb Mt. Rainier, run a marathon in all 50 states (8/50 completed), and visit every US National Park (16/63 visited)

WASHINGTON STATE BAR ASSOCIATION

Legal Technology Task Force CHARTER

Approved by the Board of Governors: March 7, 2024

Background

In November 2023, the Board of Governors recognized the transformative impact of technology, particularly artificial intelligence ("AI"), on the legal profession, and adopted the following statement as one of four strategic priorities for the 2023-24 fiscal year: "Assess technology-related opportunities and threats and determine WSBA's role vis-a-vis regulation, consumer protection, and support to legal professionals." Creating the Legal Technology Task Force is one step in acting on that priority.

The Task Force aims to (1) assess the legal technology landscape, identifying threats and opportunities across various legal sectors, and (2) make recommendations that support and strengthen the use of technology in members' practice, emphasizing effective, efficient, and ethical use of technology that enhances equitable access to justice.

Using the Washington State Supreme Court's Access to Justice Tech Principles as a guide in its works and recommendations, the Task Force will make recommendations to the Board of Governors on tangible steps WSBA can take to support and strengthen the use of technology within the legal profession in Washington state.

Task Force Objectives

Assess the Legal Technology Landscape Across the Various Sectors of the Legal Profession in Washington and the U.S.

As an initial step, the Task Force will develop a comprehensive plan to evaluate the legal technology environment, identifying threats and opportunities throughout the legal profession via specialized workgroups. The Chair of the Task Force, with the consent of a majority of Task Force members, will establish the workgroups. Workgroups will be comprised of Task Force members and additional non-voting members where appropriate to provide additional expertise or experience.

Workgroups shall examine diverse sectors of the legal profession, aiming to deliver recommendations on how to prioritize and integrate technology solutions within those sectors. Examples of sectors include private practice, the courts and judiciary, public/government practice, civil legal aid organizations, law schools/APR6 law clerk program participants, WSBA Practice Management Program, WSBA Ethics Program, legal technology vendors and service providers, legal research providers, bar associations (including local, specialty, and minority bar associations), professional liability insurance carriers, and professional regulatory systems.[1] Workgroup focus areas may include cybersecurity, AI, business

[1] In adopting this Charter, the Board of Governors recognizes that Washington State's professional regulatory systems for legal practitioners are created by and answerable to the Washington Supreme Court exclusively. To the extent the Taskforce has ideas or recommendations that would implicate regulatory processes, procedures,

management, legal research, education and training, access to justice, ethics, emerging technologies, client communication, and diversity and inclusion. These examples of sectors and focus areas are not exhaustive, and "sectors" and "focus areas" should be defined broadly. Workgroups will take steps including the following:

- Recruit relevant contributors, both inside and outside of the profession, to ensure diverse perspectives in each workgroup's research.
- Conduct outreach and receive feedback from sectors of the profession relevant to the workgroup.
- Review existing resources, data, and information and gather additional information as needed while ensuring technology design aligns with principles of fairness and access to justice.
- Evaluate technology recommendations nationwide, identifying those most relevant to legal practice in Washington, with a focus on equitable access, participation, opportunities, and transparency.
- Understand the state of research regarding technology impacting the legal field.
- Develop collaborative relationships with other WSBA and outside entities, including but not limited to the ATJ Board's Technology Committee and the Practice of Law Board, as well as similarly situated non-WSBA entities (e.g., the JISC, technology committees/workgroups for other bar associations), with the intent of sharing information and working collectively towards common goals in addressing technology issues/projects within the legal profession.
- Provide a final report to the full Task Force, containing its findings and recommendations.
- After delivering a final report, work collaboratively with the full Task Force to provide recommendations to the BOG that emphasize fairness, equity, and advancement of technology to enhance access to justice for all.

Seek to Understand WSBA Members' Use and Awareness of Technology

The Task Force will survey the membership to help guide its priorities. Areas of inquiry in the survey may include technology adoption, challenges faced, proficiency levels, as well as suggestions for the Task Force. The survey should be deployed within three months of the first meeting of the task force or as soon as practical thereafter. The development of the survey may require the formation of its own workgroup. Upon completion, the Task Force will share the results of its member survey and its analysis to the Board of Governors and Executive Director, whom will be responsible for sharing the results with the membership and the Washington legal community. The Task Force may also solicit feedback through other channels, such as focus groups, listening sessions, and other forms of interactions with members. The results from the survey and other feedback will inform the final recommendations of the Task Force.

Issuance of Final Report and Recommendations

Each Task Force workgroup will provide a final report to the full Task Force. The Task Force will then produce a final, comprehensive report regarding the Task Force's observations and recommendations,

policies, or rules, the Taskforce should work collaboratively with the pertinent stakeholder(s) and direct any recommendations to the appropriate regulatory staff or Board, the Disciplinary Advisory Round Table, and/or the Supreme Court.

including proposed rule changes, best practice information, resources, and educational material for the legal profession.

Timeline

The Task Force will have a duration of 15 months from the date of its first meeting and will meet monthly or at other intervals as determined to be appropriate by the Chair. The Task Force will provide quarterly reports to the Member Engagement Council, an interim written report to the Board after its eighth month of operation, and a final report at the conclusion of its 15-month duration. The Task Force may also report to the Member Engagement Council or the Board on an interlocutory basis if urgent issues arise.

Composition

The Task Force shall consist of nine voting members and two non-voting judicial members, as follows:

- Chair, (voting)
- 1 Current or Former BOG Member (voting)
- 4 WSBA Members (voting)
- 2 Adjudicative Officers in Washington State (non-voting)
- 1 Law School Representative (student or employee; voting)
- 2 Public Members (voting)

Further membership criteria is detailed in the appendix below.

Nominations and Appointment

The WSBA President will appoint Task Force members in accordance with WSBA Bylaws Art. IX(B)(2), taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The President shall appoint the Chair, taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The WSBA Executive Director will designate a WSBA staff liaison(s).

Terms

Technology Task Force members will serve for the entire duration of the Task Force. The President will appoint any replacement members (if necessary), taking into account the recommendation of the Co-Chairs of the Member Engagement Council.

Final Report

At the end of its duration, the Technology Task Force will issue a final report to the Board of Governors. The report will (1) evaluate the scope and efficacy of the Task Force's achievements, and (2) provide feasible recommendations to support and strengthen the use of technology within the legal profession in Washington State.

APPENDIX

The following non-exclusive criteria shall be prioritized for membership on the Task Force:

Practice Types and Venues
The Task Force seeks participation from attorneys from various practice types and venues. Solo attorneys face unique challenges, including limited resources for technology implementation and pressure to balance cost-effectiveness. Attorneys in mid-size or large firm settings face different challenges in engaging with legal technology and sometimes have less control over the types of technology they employ. Civil legal aid lawyers and public defenders face challenges bridging the technology gap to ensure equitable access to legal services for vulnerable communities. Government attorneys face challenges with integrating and updating technology within bureaucratic structures to enhance efficiency and service delivery.

Years of Bar Licensure
The Task Force seeks participation from attorneys at all stages of their careers. Early career attorneys offer perspectives on technology trends. Mid-career attorneys provide insights into balancing established practices with new technologies. Late career attorneys bring historical context and advocate for responsible integration.

Experience or Interest in Legal Technology
The Task Force seeks participation from legal professionals with an interest in enhancing their practices and access to justice through technology. Those who have demonstrated experience in leveraging legal technology within their practice and a comfort level in adopting technological solutions will be prioritized.

IT Legal Industry Professionals
The Task Force seeks participation from experienced information technology (IT) professionals who are not lawyers but have familiarity with implementing and supporting technological solutions within the legal profession. Their expertise will inform the Task Force's recommendations and decision-making.

Diversity, Equity, and Inclusion
The Task Force seeks participation from people from marginalized communities (e.g., people of color, people from the LGBTQ2S+ community, people with disabilities). Having a diverse group of members is vital to promote diversity, equity and inclusion goals, ensure that all perspectives are considered and contribute to the development of inclusive technological strategies.

Geography
The Task Force seeks participation from legal professionals and others throughout Washington to ensure consideration of technology issues in all parts of the state, with particular attention to the different issues in rural and urban areas. To obtain geographic diversity, at least two Task Force members must reside east of the Cascades and at least one other member must reside outside of King, Pierce, and Snohomish Counties.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Ian Cairns, Chair, WSBA Judicial Recommendation Committee; Sanjay Walvekar, Staff Liaison to the Judicial Recommendation Committee

CC: Terra Nevitt, Executive Director

DATE: April 2, 2024

RE: WSBA Judicial Recommendation Committee March 28, 2024 Interviews and Recommendations

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ACTION: Approve the recommendations of the WSBA Judicial Recommendation Committee.

The WSBA Judicial Recommendation Committee met via Zoom on March 28, 2024 for the purpose of conducting interviews with three individuals interested in being considered for future openings on the Washington Supreme Court and Washington State Court of Appeals. Per committee guidelines approved by the Board of Governors, the proceedings and records of the committee, including applicant names, committee discussions, and committee votes, are kept strictly confidential. The committee's recommendations are available in the Governor's materials via the WSBA cloud-sharing service.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Kari Petrasek, Chair, WSBA Awards Committee; Jennifer Olegario, Staff Liaison to the Awards Committee

CC: Terra Nevitt, Executive Director

DATE: April 4, 2024

RE: WSBA Awards Committee Recommendations for 2024 APEX Awards

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ACTION: Approve the recommendations of the WSBA Awards Committee.

The WSBA Awards Committee met via Zoom on March 13 and 29, 2024, for the purpose of reviewing and selecting nominees for the 2024 APEX Awards. Per committee guidelines approved by the Board of Governors, the proceedings of the committee, including nominees, meeting materials/nomination packets, committee discussions, and committee votes, are kept strictly confidential. The committee's recommendations are available in the Governor's materials via the WSBA cloud-sharing service.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Executive Director Terra Nevitt

DATE: April 9, 2024

RE: Executive Director's Report

2024 Licensing Update

On March 1, we mailed 1,523 certified pre-suspension notices to licensed legal professionals who had not yet completed their 2024 license renewal. The notice informs non-compliant licensed legal professionals that they have 60 days from the date of the notice to become compliant and explains that a recommendation for their suspension will be sent to the Court if they fail to do so. In addition to the written notice, Regulatory Services staff are in the process of calling and emailing every single non-compliant licensed legal professional in a final attempt to help them avoid administrative suspension.

Uniform Bar Exam Cut Score Lowered to 266

On March 15, the Court issued an order reducing the minimum UBE passing score in Washington from 270 to 266 for all bar exams administered from July 2020 forward, including examinations already administered in February 2023, July 2023, and February 2024. Regulatory Services staff have already implemented the change and notified the 36 applicants who benefited from the reduced passing score for the February and July 2023 exam with instructions on how to proceed with the admission process.

Shift to the NextGen Bar Exam – July 2026

On March 15, the Washington Supreme Court entered an order adopting the NextGen Bar Exam starting in July 2026. Adoption of the NextGen Bar Exam by the Court now ensures that WSBA has sufficient time to prepare for the administration of the NextGen Bar Exam, including proposing necessary amendments to the APRs, working with the Court to set the minimum passing score for the new exam, and resolving any issues regarding comparability and acceptance of the current UBE with the NextGen bar exam as it relates to score portability and UBE score transfers. In addition, we are hoping to partner with NCBE to gain some hands-on experience by hosting a NextGen prototype exam in October.

Alternative Pathways to Licensure

On March 15, the Washington Supreme Court approved recommendations from the Bar Licensure Task Force approving, *in concept*, three experiential-learning alternatives to the bar exam. One for law-school graduates, one for law-school students, and one for APR 6 law clerks. The order charges WSBA with convening an implementation committee "to propose rule changes and identify next steps necessary to implement the recommendations." You can view the Court's press release here. We are receiving a high volume of calls from folks interested in applying for admission through these pathways as well as some feedback from other interested people and have setup a

webpage, which includes Frequently Asked Questions and an email address (alternativepathways@wsba.org) for questions. We intend to keep this page updated as we the work of implementation begins.

Proposed Process for Public Comment

Following the robust public written comments that we received at the March meeting with respect to revised caseload standards for public defense, my team and I are working to bring more transparency and order to our process for facilitating Board review of public comments.

1. *Notice & Opportunity to Comment*. Beginning with the May BOG meeting, we intend to include a "Board Meeting Preview" in the *TakeNote*, our bi-weekly e-newsletter. The preview will summarize the topics that the Board will be taking up at the upcoming meeting and provide information about where and how comments can be submitted. Typically, comments can be directed to BoardFeedback@wsba.org.
2. *Deadline.* We also intend to provide a deadline by which comments can be submitted in order to ensure that the Board members will have the opportunity to review them. This deadline will be three days prior to the board meeting.
3. *Communicating Comments to the Board.* Comments will be reviewed as they come in and will be distributed to the Board with a brief summary. We will distribute comments to the Board at the same time that materials are distributed, as well as a final set of comments 2 days before the Board meeting. Any additional comments received after the deadline may be distributed to the Board if time allows, but they will not be summarized.

Please let me know if you have any questions or suggested improvements for this process.

Member Wellbeing Task Force

The first meeting of the Member Wellbeing Task Force occurred on Thursday March 28. The task force will be focused on forming workgroups and determining the best course of action in surveying the membership over the next couple of months. The task force will be reporting to the Member Engagement Council on a quarterly basis. The duration of this task force is two years, during which time the task force will thoroughly study the issues surrounding well-being with the Washington legal profession and develop a report with recommendations to advance it throughout the legal community.

Legal Technology Task Force

We have completed recruitment for Legal Technology Task Force approved by the Board in March. By the time the application process closed on Friday, March 29 we had an incredible 61 applicants for 10 positions. By comparison we had 40 applications for the Member Wellbeing Task Force which was also an incredible demonstration of interest. The nomination committee met to review the applications and has made recommendations for appointments to President Abell. These appointments have been made by President Abell are on the Consent Calendar to be confirmed by the Board of Governors at the May meeting.

The staff liaisons to the Task Force, Kevin Plachy and Margeaux Green, have started planning meetings with Chair Jenny Durkan and will be scheduling the first meeting of the task force later in May. The task force will provide quarterly updates to the Member Engagement Council. One of the first priorities of the task force is to survey the membership about their experiences with legal technology and its impact on their practices. The survey will be deployed within three months of the first meeting of the task force.

Board of Governor Congressional District Elections

Congratulations to Alain Villeneuve, the new governor-elect for District 7 South. The election closed on Monday, April 1 and the election results were certified by the Election Board, appointed by President Abell.

The application deadline for President-elect and District 1 closed on April 9. These two positions will be determined by a vote of the Board of Governors at the May meeting. More information about the voting process and applicants in included in the meeting materials.

We continue to recruit for Governor At-large (Young Lawyer) position; the application deadline for this position is April 15. The Washington Young Lawyers Committee will interview applicants on April 20. The election for this position is May 15 – June 3.

Looking Ahead: The 2024-2025 Treasurer position will be determined at the July meeting by a vote of the Board. Those interested may submit a letter of interest by June 18 to be included in the July meeting materials (but are not required to do so). Nominations may also be taken from the floor at this meeting.

Information about the elections is online here: www.wsba.org/elections.

Attachments

Q2 2023 Budget Reallocations
2023 BOG Discipline Report
Litigation Report
Media Report
Member Demographics Report

WASHINGTON STATE
BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Terra Nevitt, Executive Director

Date: April 5, 2024

Subject: FY 2024 Budget Reallocations for Q2

Background

WSBA Fiscal Policy allows the Executive Director to approve the reallocation of budgeted and unbudgeted expenditures within certain limitations. Specifically, the policy states:

"The Executive Director approves and reports to the Board of Governors about certain unbudgeted expenses, including reallocations of budgeted expenditures where the intent is similar or varies slightly; unbudgeted expenditures that are fully offset by unbudgeted revenue or a reallocation of budgeted expenditures up to 5% of the approved operating budget to address operational, regulatory or programmatic needs; and necessary and prudent expenditures to implement WSBA's Disaster Recovery Plan or to maintain WSBA's operations. Per occurrence limit is $215,000.00. Reallocations may not affect the annual budget's bottom line. The Executive Director must report reallocation of funds to the President on a monthly basis and to the Board on a quarterly basis. It is expected that the Executive Director will consult with the President on reallocations that may be considered sensitive or controversial in nature, prior to execution."

President Abell was notified of the monthly reallocations on January 9, March 11, and April 1. There were no reallocations for the months of February or March.

For FY 2024, the WSBA's annual operating budget is $26,803,468 and the Executive Director's limit for reallocation is up to $1,340,173.40 (5%). The total amount of funds reallocated from October 1 through March 31st are $95,548 (0.36% of annual operating budget).

FY24 Budget Reallocations for Q2

1. *Third Party Services*- Funds are needed to support the transition of work to manage WSBA's cybersecurity efforts from internal staffing to outsourced/third party services. Outsourcing this work provides us with support from a vendor with more robust resources to improve WSBA's cybersecurity posture. Costs are estimated at $65,000 for third party services and $85,000 in savings from the staffing position, therefore we expect and overall savings of $20,000 in the Technology cost center as a result of this transition.

2. *Temporary Staff Salaries*- Funds are needed to support the completion of the Discipline System replacement project, which is software that is being built through a combination of vendor support and internal customization. Temporary staffing costs of approximately $8,000 are needed for expertise provided by a former WSBA IT developer with particular knowledge of the existing software system. The Technology cost center has funds available for reallocation from a vacant position (the same savings resource as item #1).

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

MEMO

To: Terra Nevitt, WSBA Executive Director

From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel

Date: March 4, 2024

Re: Quarterly Discipline Report, 4th Quarter (October - December)

A. Introduction

The Washington Supreme Court's exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). Staff and volunteers carrying out the functions delegated by the Rules for Enforcement of Lawyer Conduct (ELC) act under the Supreme Court's authority. The investigative and prosecutorial function is discharged by the employees in the Office of Disciplinary Counsel (ODC), which is responsible for investigating allegations and evidence of professional misconduct and incapacity and prosecuting violations of the Washington Supreme Court's Rules of Professional Conduct.

The Quarterly Discipline Report provides a periodic, high-level overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for the 4th Quarter 2023. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2023 Discipline System Annual Report.

B. Public Dispositions & Other Information

- **Public Dispositions**

Suspensions:

Colleen A. Hartl, #18051, 2-year suspension (*Stipulation*)

Terry Hood Simon, #15409, 1-year suspension (*Stipulation*)

Julie A. Vance, #32189, 6-month suspension (*Stipulation*)

Reprimands:

Christopher M. Hoxie, #46293 (*Stipulation*)

Reciprocal Discipline:

Leila Louisa Hale, #47247, reprimand (Nevada)

Helga Kahr, #16338, disbarment (Illinois)

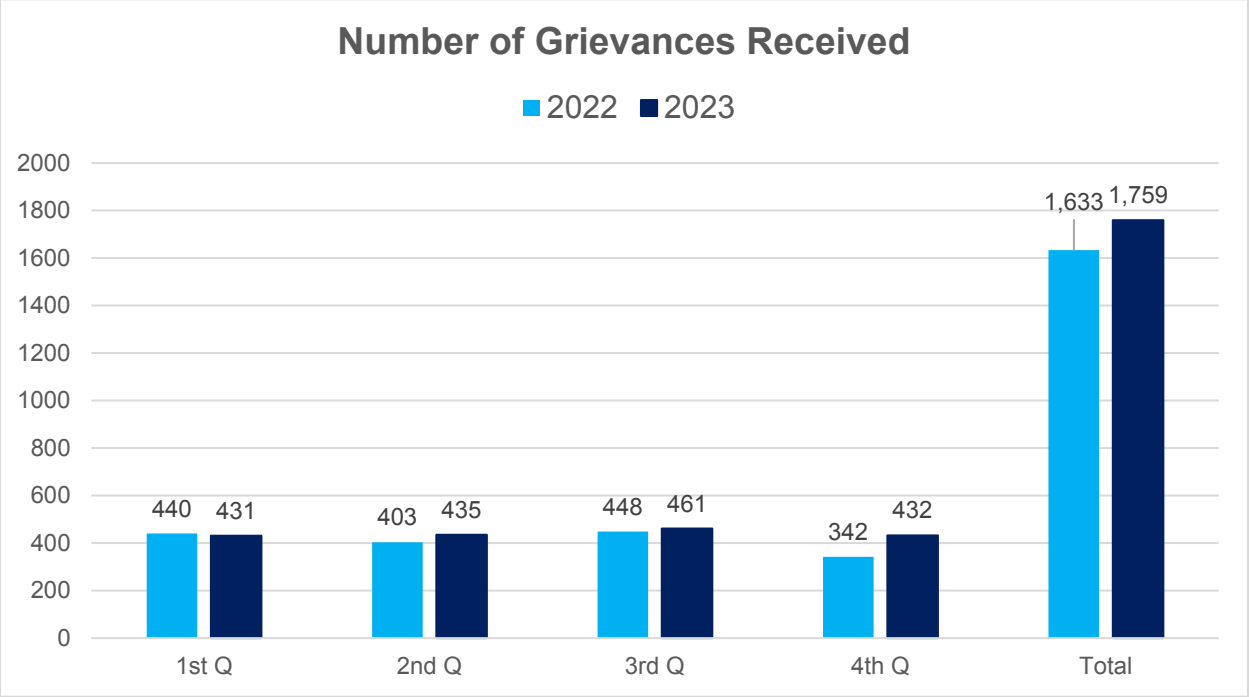
Nicholas J. Slinde, #35316, reprimand (Oregon)

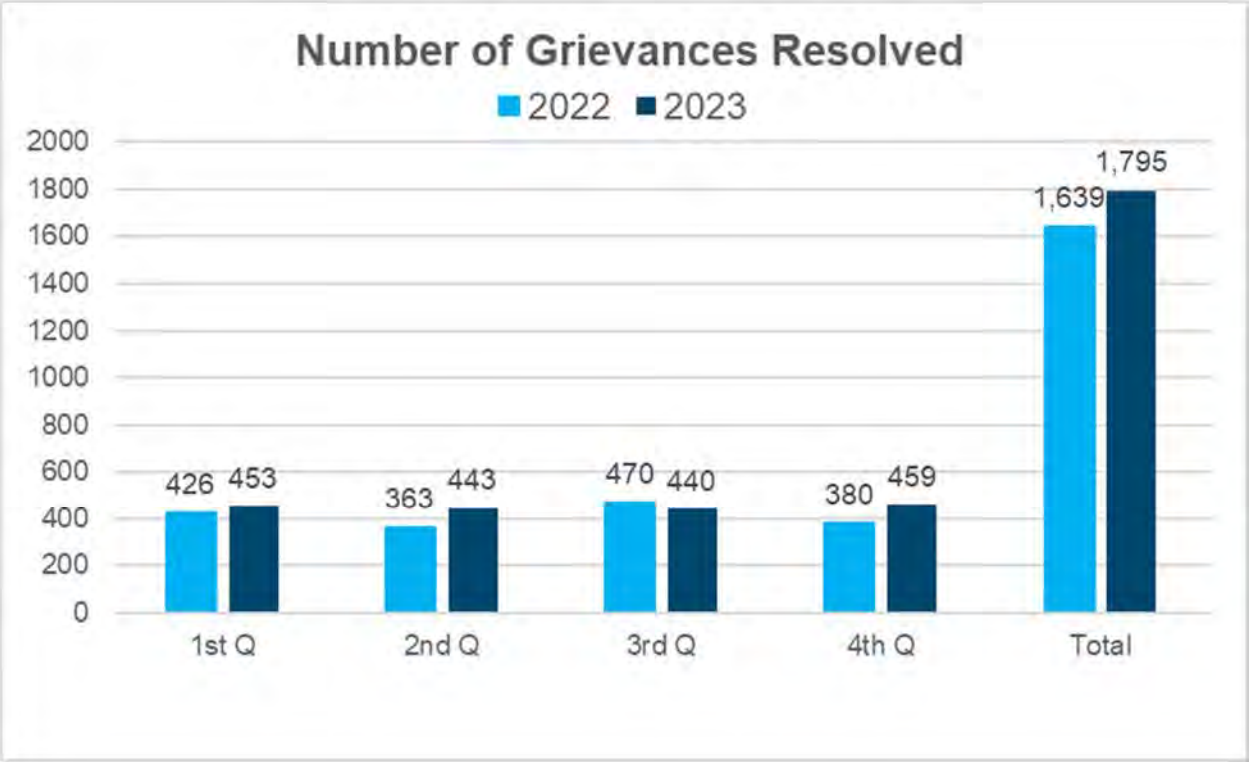
- **Interim Suspensions**

  ELC 7.2: Interim Suspension in Other Circumstances

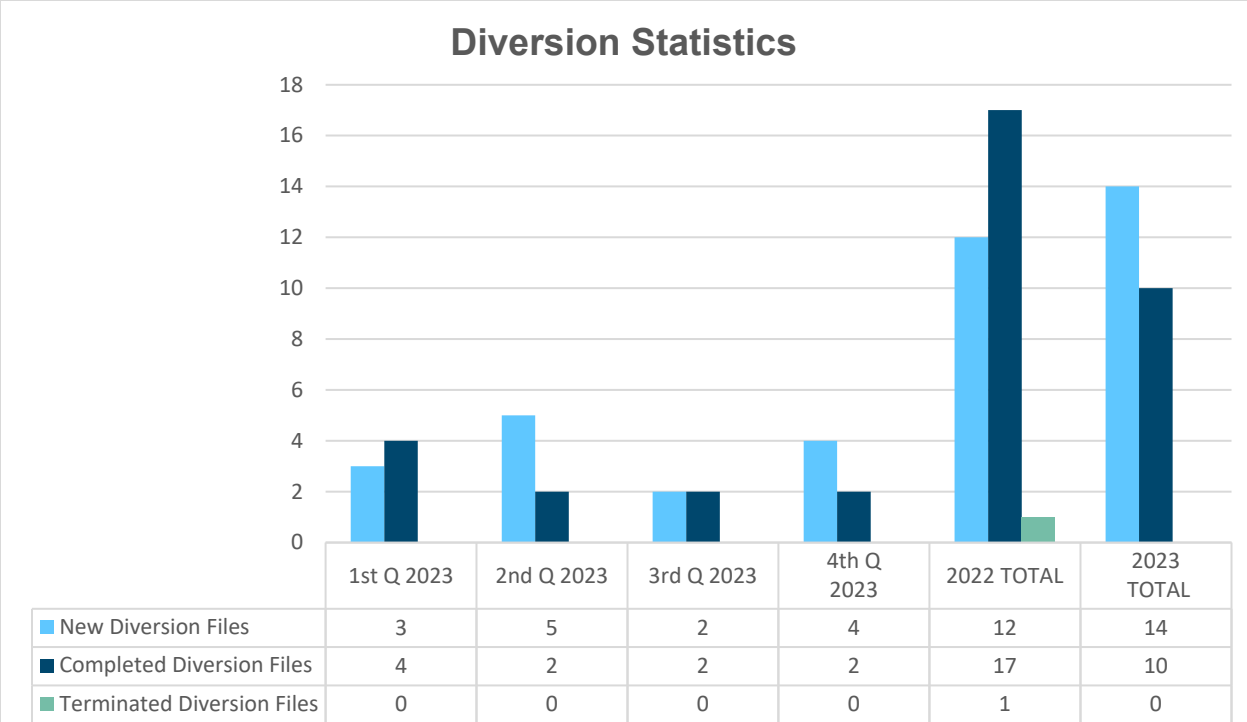
  Thi Anh Huynh, #34947

C. Grievances and Dispositions[1]

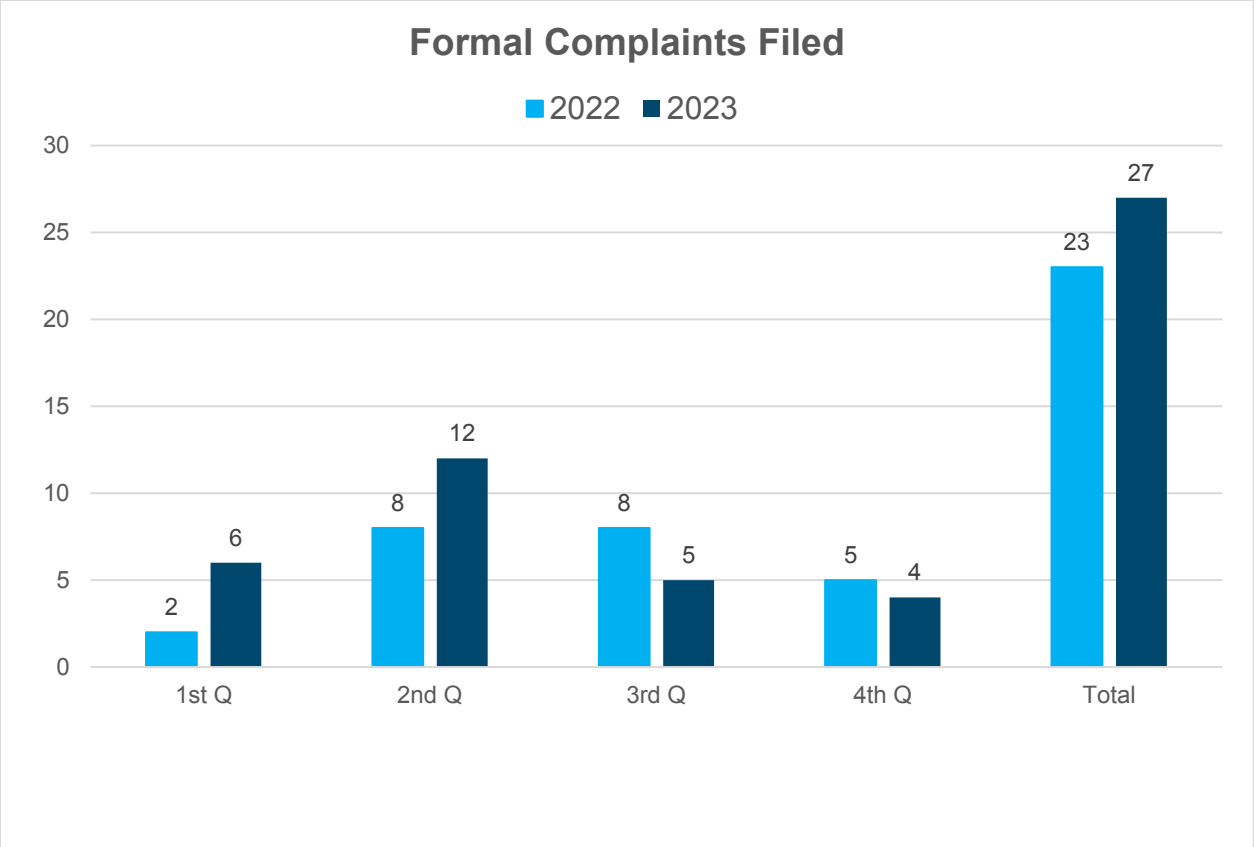


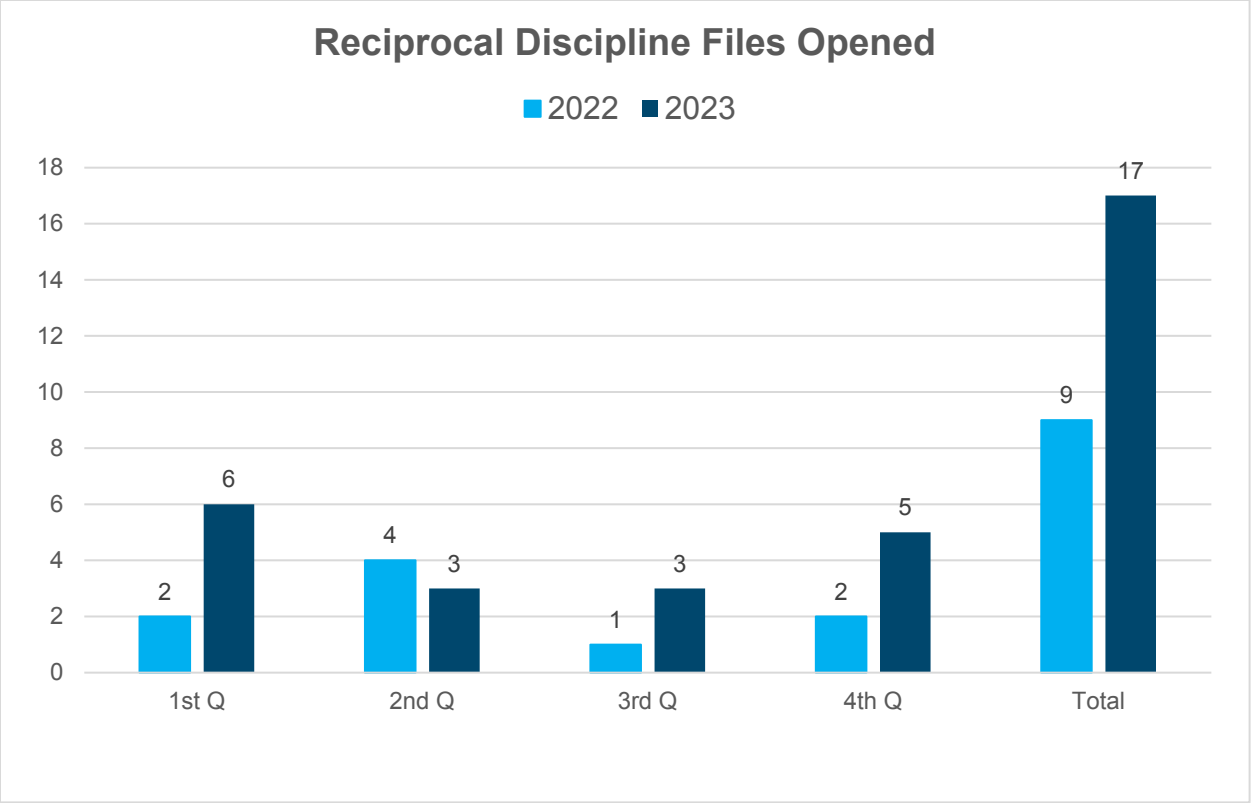


[1] These figures may vary from subsequent quarterly reports and statistical summaries owing to limitations on data availability at the time of issuance of these quarterly reports.



	1st Q 2023	2nd Q 2023	3rd Q 2023	4th Q 2023	2022 TOTAL	2023 TOTAL
New Diversion Files	3	5	2	4	12	14
Completed Diversion Files	4	2	2	2	17	10
Terminated Diversion Files	0	0	0	0	1	0




Reciprocal Discipline Files Opened
2022
2023
18
16
14
12
10
8
6
4
2
0
2
6
4
3
1
3
2
5
9
17
1st Q
2nd Q
3rd Q
4th Q
Total


Stipulations and Resignations in Lieu
Stipulation
Resignation in Lieu
25
20
15
10
5
0
6
1
6
4
5
1
12
11
21
6
1st Q 2023
2nd Q 2023
3rd Q 2023
2022 Total
2023 Total

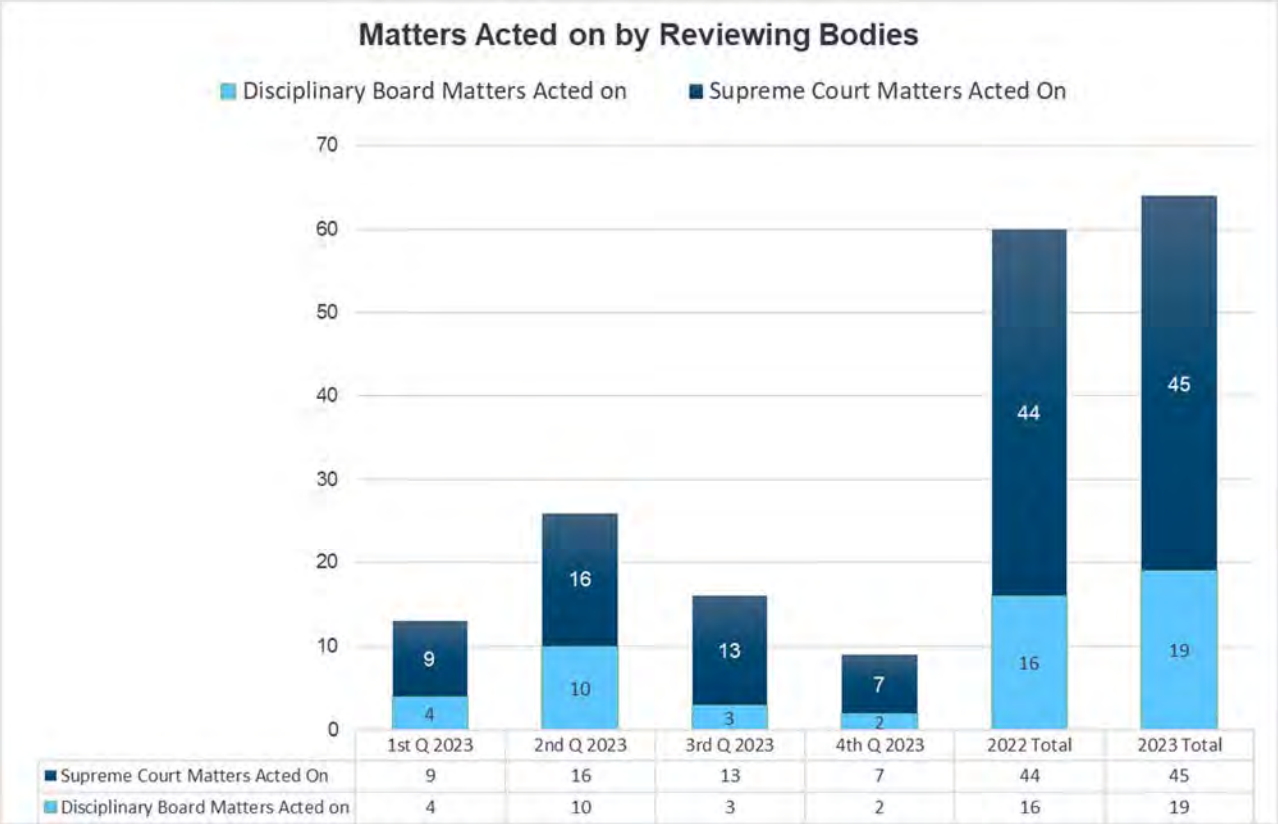
Hearings Held[2]	Quarter Total
1st Quarter	0
2nd Quarter	1
3rd Quarter	4
4th Quarter	0
2023 Total	5
2022 Total	9

D. Pending Proceedings[3]

Open Proceedings	2022	2023
Ending 1st Quarter	31	44
Ending 2nd Quarter	41	42
Ending 3rd Quarter	38	43
Ending 4th Quarter	39	49

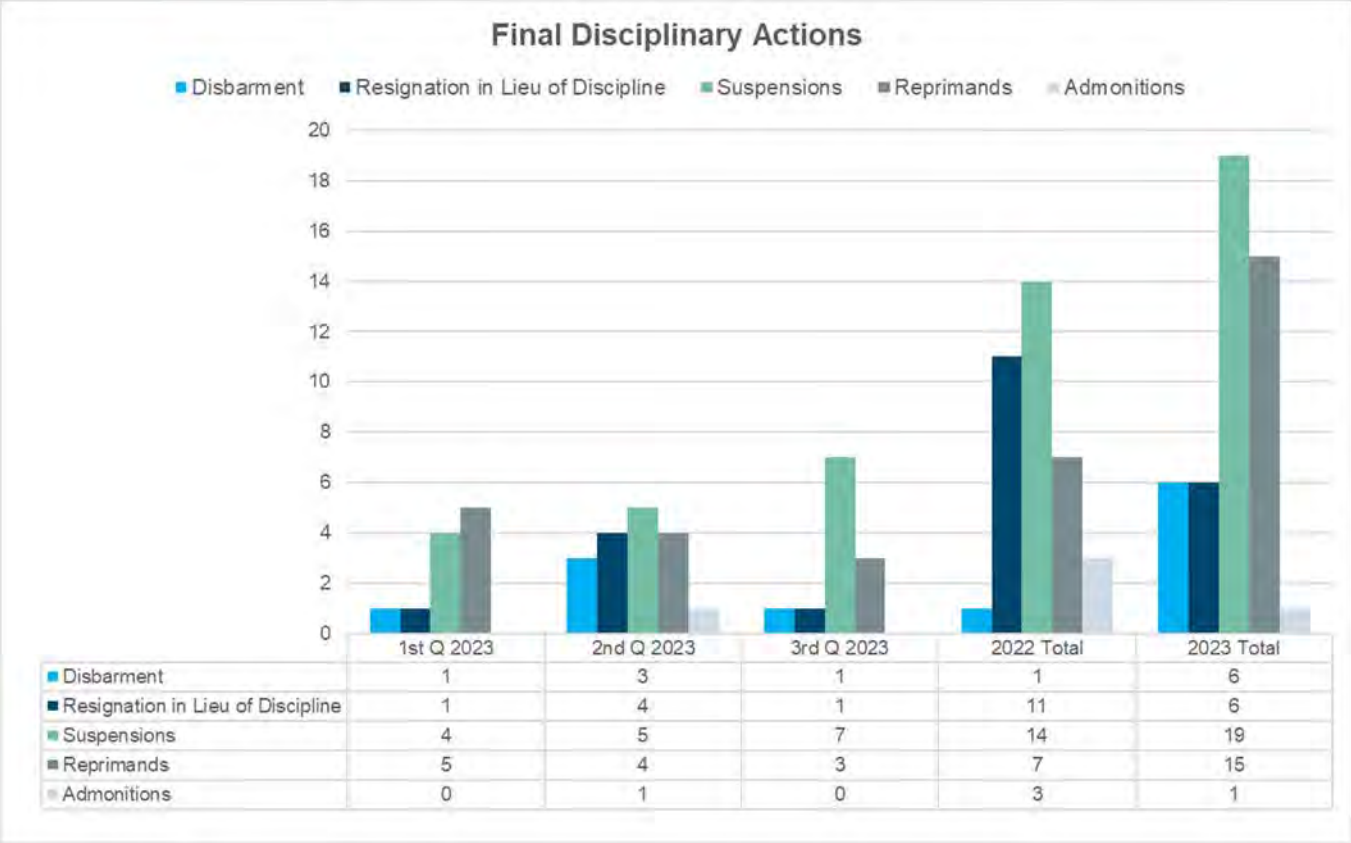
[2] Includes default hearings.

[3] In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer's findings.



	1st Q 2023	2nd Q 2023	3rd Q 2023	4th Q 2023	2022 Total	2023 Total
Supreme Court Matters Acted On	9	16	13	7	44	45
Disciplinary Board Matters Acted on	4	10	3	2	16	19

E. Final Disciplinary Actions



	1st Q 2023	2nd Q 2023	3rd Q 2023	2022 Total	2023 Total
Disbarment	1	3	1	1	6
Resignation in Lieu of Discipline	1	4	1	11	6
Suspensions	4	5	7	14	19
Reprimands	5	4	3	7	15
Admonitions	0	1	0	3	1

F. Disability Found

Disability Found	Quarter Total
1st Quarter	1
2nd Quarter	2
3rd Quarter	0
4th Quarter	0
2023 Total	3
2022 Total	4

G. Discipline Costs[4]

Quarterly Discipline Costs Collected	Total
1st Quarter	$11,162.00
2nd Quarter	$16,941.37
3rd Quarter	$10,168.88
4th Quarter	$14,726.10
2023 Total	**$52,998.35**
2022 Total	**$64,542.24**

[4] The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to limitations on the data available at the time of issuance of these quarterly reports and the final cost figures available after WSBA Finance staff closes the monthly books.

To: The President, President-elect, Immediate Past-President, and Board of Governors
From: Julie Shankland, General Counsel
Lisa Amatangel, Associate Director, OGC
Date: April 9, 2024
Re: Litigation Update

No.	Name	Brief Description	Status
1.	*Iceberg v. WSBA,* No. 23-2-03825-34 (Thurston County Superior Court)	Alleges mishandling of grievance.	On 11/17/23, Mr. Iceberg filed a Petition for Review. In response, WSBA filed a Motion to Dismiss. Thereafter the parties filed a joint stipulation to dismiss, which was granted on 2/15/24. This matter is now closed.
2.	*Komora v. James Elliot Lobsenz, et al.,* No. 23-2-02363-34 (Thurston County Superior Court)	Alleges mishandling of grievance.	On 7/26/23, Mr. Komora filed a Complaint. WSBA filed a Motion to Dismiss with prejudice, that was heard and granted on 01/26/24. On 2/26/24, Mr. Komora filed a Notice of Appeal with Thurston County Superior Court. We await the opening of this matter at the appeals court.
3.	*Langadinos v. WSBA, et al.,* No. 2:23-cv-00250-RSM (W.D. Wash.)	Alleges disability discrimination.	Plaintiff filed a complaint on 2/23/23. On 6/22/23, the WSBA filed a Motion to Dismiss. Plaintiff filed a response to WSBA's motion on 7/10/23. WSBA filed a reply in support of MTD on 7/14/23. On 7/21/23, Plaintiff filed an Emergency Motion Requesting to Postpone Decision on Defendant's MTD for 6 Weeks. WSBA filed a Response on 7/28/23. <u>Update since last report</u>: On 3/15/24 WSBA's Motion to Dismiss was granted in part, including the dismissal with prejudice of Mr. Langadinos' claims for injunctive relief, § 1983 claims against the Washington Supreme Court, and claims against individual WSBA employees. Mr. Langadinos was granted leave to file a motion to amend his complaint within 30 days, and was permitted 21 days to properly effect service.
4.	*Turnbull v. Office of Disciplinary Counsel, et al.*, No. 2:23-cv-1619 (W.D.Wash.)	Alleges mishandling of grievance.	Mr. Turnbull filed a complaint on 10/19/2023 and an amended complaint on 12/8/2023.

WASHINGTON STATE
BAR ASSOCIATION

MEMO

To: Board of Governors

From: Jennifer Olegario, Communications and Outreach Manager, and Sara Niegowski, Chief Communications Officer

Date: April 5, 2024

Re: **Summary of Media Contacts**, **Feb. 13-April 5, 2024**

Date	**Journalist and Media Outlet**	**Inquiry**
Feb. 26	Emily Sawicki, Law360.com	Inquired about attorney's discipline. Sent standard media response.
March 14	Eric Wilkinson, KING5 News	Sought statement regarding proposed standards for public defenders.
March 15	Emma Epperly, Spokesman-Review	Sought information regarding Washington Supreme Court orders re: alternative pathways to licensure. See articles below.
March 21	Carlton Winfrey, Seattle Times	Called Court to inquire about a time to talk to people for an editorial board piece regarding alternative pathways to licensure. WSBA coordinated the effort. See article below.
March 29	Taija PerryCook, Seattle-based journalist writing for Snopes.com	Sara Niegowski contacted her about an incorrect implementation date posted for alternative pathways on Snopes.com.

News Releases

- WSBA Names Allan Bonney Local Hero (March 7)
- WSBA Names Lisa Dickinson Local Hero (March 7)
- State Bar Adopts New Public Defense Standards (March 14)

News Coverage

- "Can the Underfunded, Overloaded Public Defender System Avoid Collapse?" (South Seattle Emerald, Feb. 17)
- "WA's public defender system is breaking down, communities reeling," (Seattle Times, Feb. 25)
- "Wash. Atty Disbarred Over Unrefunded Client Fees," (Law360.com, Feb. 27)
- "Public defenders struggle with big caseloads," (Methow Valley News, Feb. 29)
- "Robert B. Shirley: Washington State Bar Association should not look the other way about Matt Shea," (Spokesman-Review, March 3)
- "WA to train public defenders, prosecutors for rural, underserved areas," (Seattle Times [with story pickup by Longview Daily News], March 6)
- "Washington Bar approves much lower caseloads for public defenders," (Seattle Times, March 13)
- "New Caseload Standards Aim to Improve Ailing Public Defense System, But Could Take a Bite Out of County Budget," (PubliCola, March 13)
- "Washington State Bar Association Oks far lower caseloads for public defenders," (Oregon Public Broadcasting, March 13)
- "Wash. Atty Who Ducked Bar Probe Suspended For 3 Years," (Law360.com, March 15)
- "Supreme Court: Bar exam will no longer be required to become attorney in Washington State," (Spokesman-Review, March 16)
- "Plan to ease caseloads for Washington public defenders could 'bankrupt' some counties," (KING5 News, March 16)
- "Change in indigent defense caseloads could force counties to hire many more attorneys," (The Columbian, March 16)
- "State lowers caseloads for attorneys, Kittitas County concerned about funding," (Ellensburg Daily Record, March 16)
- "Washington Becomes Second State to Adopt Alternative Pathways to the Bar," (Law.com, March 17)
- "This state is creating a way to skip the bar exam and making it easier to pass for those who take it," (ABA Journal, March 18)
- "WA students soon may not have to take the bar exam to become attorneys," (Seattle Times, March 19)
- "Opinion: Public defenders' plight is finally getting some attention," (Yakima Herald-Republic, March 19)
- "Washington puts new laws on the books to become an attorney," (MyNorthwest.com, March 20)
- "More work for less pay: Spokane County prosecutors, public defender's office struggling to recruit, retain attorneys," (Spokesman-Review, March 21)
- "New lower passing rate for Washington's bar exam opens possibilities, but also leads to questions," (Spokesman-Review, March 24)
- "Other Papers Say: Public defender issue finally eyed," (The Columbian, March 25)
- "Spokane County leaders concerned about public defense resources," (Spokane Public Radio, March 25)
- "New lower passing rate for Washington's bar exam opens possibilities, but also leads to questions," (The Daily News, March 26)
- "NCW public defenders want to be optimistic about new caseload limits," (The Wenatchee World, March 27)

- "County family support attorney receives lifetime award," (The Daily World, March 28)
- "Washington to create alternative to state bar exam," (USA Today, March 29)
- "New alternatives to WA bar exam level the field for law licensing," (Seattle Times, April 1)

WASHINGTON STATE
BAR ASSOCIATION

TO: Board of Governors

FROM: Terra Nevitt, Executive Director

Paris Eriksen, Volunteer Engagement Advisor

DATE: April 9, 2024

RE: WSBA Board of Governors President-elect Interview & Selection Process

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ACTION: Elect the 2024-2025 WSBA Board of Governors President-elect.

This year, the WSBA received one applicant submission for the President-elect officer position on the WSBA Board of Governors; Francis Adewale, whose candidate materials follow this memo.

Interview Process:
While we recognize there is only one applicant, it is organizational practice for uncontested candidates for president-elect to be interviewed and formally elected by the Board of Governors. To that end, the candidate interview will take place the morning of Friday, May 2. The candidate will be interviewed in public session and permitted fifteen minutes total for self-introduction and to answer questions. Governors may use the pool of interview questions provided but are not limited to these questions and may ask others should time permit.

Voting Process:

This election will be conducted through a secret paper ballot. For members of the Board of Governors who are attending virtually, the Executive Director will call to obtain their voter. After the interview, Board members will be asked to indicate their choice through the e-ballot. All votes will be secret and made available only to three persons appointed by the President, one of which is the Executive Director. Results will be announced immediately following the election.

Relevant WSBA Bylaws:

D. ELECTIONS BY BOARD OF GOVERNORS

1. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of

business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

3. Election Procedures

Elections of At Large Governors, President and President-elect elections, and any other elections held by the BOG under these Bylaws, except elections for the position of Treasurer, are conducted as follows:

a. *Notice of the position will be advertised in the Bar's official publication and on the Bar's website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.*
b. *Following expiration of the closing date and time identified, all candidate names will be posted publicly.*
c. *The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.*
d. *All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.*
e. *Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.*
f. *Election of candidates will be conducted by secret written ballot.*
g. *If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.*
h. *Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.*
i. *Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.*
j. *The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.*

Attachments:

Pool of Interview Questions

Francis Adewale, candidate materials

WASHINGTON STATE
BAR ASSOCIATION

Pool of Interview Questions for WSBA President-elect Candidates

April 2024

Background

1. Why do you want to serve in this role?
2. How will you fit Board service into your personal, work, and other commitments?
3. What motivates you as an individual?
4. Please share any prior board leadership experience.

Interest and Commitment

5. What experience(s) do you have related to WSBA's mission?
6. What interests you most about the WSBA?
7. What makes our mission meaningful to you?
8. What three adjectives or short phrases do you think best characterize WSBA?
9. What is your understanding of the role of the WSBA Board of Governors and the role of WSBA President?

Skills and Expertise

10. What qualities make a great WSBA President?
11. What would you suggest your unique contribution to the Board to be?
12. What is the most difficult problem that a board you have been on has had to deal with and what did you learn from that experience?

Current Topics and Member Engagement

13. How could you serve as a link between the organization and the legal community?
14. What initiatives (current or yet to be contemplated) do you think the Board should focus on to help serve the public and the members?
15. As the WSBA considers its structure in light of first amendment challenges, what do you think are the most important considerations?
16. On June 4, 2020, our Washington Supreme Court issued a letter in response to the growing public outcry for social justice and call upon the legal profession to take individual and collective action towards addressing issues of racism in our legal system. In what ways can the WSBA act in response to this call to action?
17. As a board member, what would you do to promote diversity, equity, and inclusion on the Board itself and in the profession as a whole?

Friday, December 15, 2023

VIA EMAIL
BARLEADERS@WSBA.ORG

Paris Eriksen
1325 4th Ave Ste 600
Seattle, WA 98101-2539
parise@wsba.org

RE: Letter of Interest to Serve as WSBA President Elect

I am writing to indicate my interest in serving as the Washington State Bar Association (WSBA) President-Elect. I was elected as the 5th District Governor in 2021 and have served two terms as Bar Treasurer. In that capacity, I have worked closely with all current and past Board of Governors members for the last 4 years. As Treasurer I am the Governor tasked with reviewing our fiscal policy, examining audit reports and preparing budgets. I have led our bar with distinction in all of these roles. My passion for justice and desire to continue to advance our profession's integrity compels me to declare my interest in serving as WSBA President Elect.

We all learned very few things in law school that prepared us for bar leadership and management of an organization the size of the WSBA. I have distinguished myself as your treasurer by making our accounting transparent to members and all members of the Board of Governors. As you all may recall, my work with the Access to Justice Board and Supreme Court Commissions has always been about building statewide consensus on issues that impact justice and the practice of law. While serving as your treasurer for 2 plus years, I have emphasized the importance of prudent financial management of our members' license fees. This wealth of knowledge is what I will bring to the position of President Elect if elected.

The position of President Elect is more than a figurehead in an organization like the WSBA. The importance of the President to the wellbeing of our members and the sustainability of the WSBA cannot be overemphasized. When I ran for Governor, I informed WSBA members in District 5 that I consider the practice of law a business and the last hope of humanity for leadership. In the same vein, if elected as President Elect, I will work hard to improve WSBA asset management and build on the legacy of our past and incoming president, Sunitha Anjivel and current president Hunter Abell, both of whom I hold in high regard and served under as a member of the executive committee. My commitment to creation of a conducive environment for the ethical practice of law is unwavering and unflinching.

Many of my colleagues in Eastern Washington raised concerns about wellness in our profession and I fought hard to make this issue a top priority for the WSBA. I worked diligently to ensure that the task force charter on wellness for our profession is all encompassing, inclusive and that its research and outcome reaches every legal practitioner in our state.

The challenge of technology in the practice of law is real and I have worked diligently to ensure technological advances, like Artificial Intelligence (AI), do not erode the professionalism and ethical integrity Washingtonians expect from legal practitioners. As co-chair of the Members Engagement Council, I have promoted the values and professionalism we all hold dear and continue to find means to fund civil legal aid and volunteer lawyers programs throughout our state. Access to justice should never be a slogan but a top priority in Washington State.

I have been an active member of the Board of Governors since my swearing-in as governor and rarely miss a meeting. I took advantage of trainings provided through National Council of Bar President, and Western State Bar Conference to understand the unique role of bar leadership in the advancement of our profession. During my first term on the board, I served as a liaison to the Administrative Law Section, Cardozo Law Society, DMCJA, CPD, chair of the Budget & Audit Committee and co-chair of the Member Engagement Council. I have attended virtually every meeting that I had notice of and found that the common thread from our members is their concern about the management of their dues and our commitment to justice. I have also worked with many of our dedicated staff and volunteers and heard their call for a common-sense approach to expense reports, budgeting, and finance.

Our association faces myriads of challenges and requires someone with a track record of fiscal responsibility and commitment to access to justice to serve as President Elect. I have served as chair of many community boards and Supreme Court commissions, as well as the Access to Justice Board. In all these positions, I distinguish myself as someone committed to transparency in financial management.

In preparation to run for this position, I fielded calls from virtually all board of governors asking you about your desires for the future of our profession. Your level of engagement and interest in the success of the bar in Washington State is eclectic and your passion for our profession is unquestionable. Among the many ideas I gathered from you includes, "an in-depth study of technology impact on our profession, diversity studies, licensing task force, rural practice improvement, impact of artificial intelligence on the practice of law, support for moderate means program, provide estate planning for lawyers, reexamining the ETHOS report, a reexamination of GR12 to protect the public, investing more in the bar and our members, the role of governors as ambassadorship, serving the public by making justice available to everyone, increasing the people's confidence in our judiciary, listening more to each other as governors, meaningful interaction with the community before, during and after our BOG meeting, more outreach to the law school in a meaningful way." There is no doubt that our bar is in good hands. My promise to you is that if elected, I will focus on these ideas and find ways to ensure that we provide a platform to bring these issues to debate and implementation in a way that improves our bar association.

My outreach efforts to our sections elicited concerns about our fiscal policies, and I have worked hard to include their voices and concerns in the ongoing fiscal policy reform. If elected as President-Elect, I intend to meet with section chairs and their treasurers to see how we can assist them with bookkeeping, accounting, and financial ratios, such as liquidity, asset management and long-term solvency.

Even though I was born in Nigeria, West Africa, I have lived most of my adult life in Eastern Washington where I contributed to expanding opportunities for all people in our region and our state in general. As a recipient of the City of *Spokane's Human Rights Award*, Spokane County Bar Association *Smithmoore P. Myers Professionalism*

Award, and one of the attorneys that helped establish Spokane Community Court, I understand the responsibilities and challenges of running regional and statewide programs with many competing interests. I take my fiduciary duties seriously and work hard to ensure that those tasked with managing our organization's resources operate with utmost responsibility and transparency within the accounting rules. If elected as your President Elect, I will endeavor to forge common purpose and amity among all board of governors.

Thank you for considering my letter of interest. I hope you will vote for me as President-Elect.

Sincerely,

Francis Adewale

DL Dresden Law PLLC

2400 NW 80th St., Suite 211
Seattle, WA 98117

December 22, 2023

Dear Fellow WSBA Governors:

I write this letter in enthusiastic support of Francis Adewale's candidacy for President of the Washington State Bar Association.

Francis is extravagantly qualified to serve as President in both experience and temperament. When you look at the list of boards and committees that Francis has served on, from the Northwest Immigrant Rights Project to the Access to Justice Board (as chair!) to numerous state and local commissions, it's a bit overwhelming and you wonder how one person can possibly have done all of those things. I almost need a nap just after reading his resume. But having served with Francis on the Board of Governors and multiple WSBA committees for the past 2+ years, including last year as a member of the Budget and Audit Committee with Francis as chair, and last year and this year as co-chairs of the Member Engagement Council, I can attest that the legend is real. Francis takes his work as a Governor and as WSBA Treasurer very seriously. He is unfailingly enthusiastic, thoughtful, and hard-working, and deeply committed to improving the organization for both members and staff. And he is also a genuinely nice person. He has a kind word for everyone, sincerely cares about his fellow board members, and treats everyone with respect, even when he disagrees with them.

The role of WSBA President calls for someone who will manage the agenda for BOG meetings, preside over those meetings, serve as the public face of the organization, and generally set the tone for the year. I can't think of a better person for the job than Francis Adewale. I hope you will join me in voting for him as the next President of the Washington State Bar Association.

Best,

Matthew Dresden

Matthew Dresden Dresden Law PLLC matthew@dresdenlaw.com 206.468.0587

NAM D NGUYEN

7141 Cleanwater Dr SW, Olympia, WA 98501
Phone/Email: 360-664-0870/nam.wsba@gmail.com

December 10, 2023

Re: Nomination of Francis Adewale for WSBA President 2025-2026

Dear Fellow Governors of the Washington State Bar Association (WSBA):

I nominate Governor Francis Adewale for the position of WSBA President for the 2025-2026 year. As the current Treasurer, Governor Adewale has done an exemplary job of chairing the Budget and Audit Committee. He had made innovations to the budget process that have increased transparency to, and input from, the Board of Governors. Governor Adewale is also a shining example of an immigrant, a lawyer, and a community member. He will lead us well, and make us proud members of the WSBA Board of Governors.

For the past two years, Governor Adewale has guided the Board through one of the most consequential and controversial aspects of the WSBA, overseeing the WSBA budget and fiscal policy. He has led this process well. He incorporated new procedures (such as a budget retreat) to explain the WSBA budget process and policy to felling governors. And there was no shortage of budgetary issues while Governor Adewale served as Treasurer, such whether to raise dues and whether to relocate WSBA headquarter. His guidance of the Board through these issues shows that he has the organizational skills, fair-mindedness, and leadership experience to lead the WSBA.

Governor Adewale is also a great representation of our profession, and, therefore, would make a great President of our association. Like me, he is an immigrant working in public service. Governor Adewale has a long, and distinguished, career as a public defender. In addition to his legal career, he serves the legal community by volunteering for organization such as the Northwest Immigrant Rights Project and the Access to Justice Board. He has held leadership position in these and other community organizations.

Governor Adewale is epitome of the American immigrant story, a hard worker who succeeded in this country and then gives back to his community. He is someone that I enjoy working with, and someone I admire. He is a person who will present a good image for our association and profession.

For these reasons, I affirm my nomination of Governor Francis Adewale for WSBA President for the 2025-2026 year.

Sincerely,

/s/ Nam Nguyen

KEVIN J. FAY

December 18, 2023

Paris A. Eriksen
Volunteer Engagement Advisor
Office of the Executive Director
Washington State Bar Association

Subject: Francis Adewale

Dear Ms. Eriksen:

Please accept this letter to state my intent to nominate Francis Adewale to be the President-Elect of the Washington State Bar Association.

Francis Adewale was elected to the Board of Governors in 2021, and elected by the Board as Treasurer in 2022 and - by acclimation - 2023. His service as both a Governor and Treasurer has been exemplary. As Treasurer, he has been outstanding with his transparency, showing the Board of Governors and the membership in general how our members' money has been spent.

Wholly apart from the WSBA, Francis has a long and distinguished history of public service. He was one of the attorneys that helped establish Spokane Community Court, and his commitment to community and movement lawyering is epitomized by his work on several community-based boards and activities in Eastern Washington. He has served as chair of Refugee Connections Spokane, co-chair of Spokane Homeless Coalition, and member/trustee of the Spokane County Bar Association and its Volunteer Lawyers Program. Francis is former chair of the Access to Justice Board and a member of the Washington Supreme Court's Interpreters Commission. He is currently a board member of Northwest Immigrant Rights Project (NWIRP), board President of Multi-Ethnic Business Association-AHANA, and an adjunct faculty member of both Whitworth University and Gonzaga Law School. He is a founding member of the Washington Statewide Reentry Council, having been reappointed three times by Governor Jay Inslee, and is a current fellow of the National Council of Bar Presidents Diversity Scholars.

I cannot think of a single individual who would be a better President—or more deserving of the office—than Francis Adewale. It has been a privilege to serve with him on the Board of Governors; I look forward to serving with Francis as our President-Elect.

Very truly yours,

Kevin J. Fay

Kevin J. Fay

4018 131ST PLACE S.E., BELLEVUE, WASHINGTON 98006
HOME: (425) 644-5887 | KEVINFAY@HOTMAIL.COM | MOBILE: (425) 246-1733

TODD A. BLOOM, PLLC
1620 BAY STREET
PORT ORCHARD, WA 98366

December 12, 2023

Francis Adewale
Treasurer, Washington State Bar Association
Public Defender's Office
824 N. Monroe (1st floor)
Spokane, WA 99201

Dear Treasurer Adewale:

I am writing to memorialize my support for your candidacy for 2024-25 President-Elect of the Washington State Bar Association (WSBA).

Over the course of my career, in the Navy and as a civilian, I have had occasion to evaluate and recommend scores of professional colleagues for awards, fellowships, promotions and new positions. Based on my experience, I believe that you are an outstanding candidate and will be an excellent leader to shepherd WSBA in the coming fiscal year as President-Elect and in 2025-26 as WSBA President.

Your dedication and commitment to the legal profession are obvious for all to see; you clearly have a deep sense of duty to uphold its best interests. You have a genuine interest in people, offering your friendship and demonstrating your respect for all. While open to fulsome discussion and listening—to truly seek to understand all sides—you also exhibit pragmatism and sensitivity to the need for closure and for reaching a conclusion that benefits the institution.

I feel that these traits will inure to the great benefit of WSBA, and I am happy to offer my endorsement of your candidacy. With warm regards, I remain

Very truly yours,

Todd A. Bloom
Governor, 6th District
Washington State Bar Association

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors
Jordan Couch, At-Large Governor

FROM: Governor Jordan Couch
DATE: June 22, 2023
RE: Nomination of Governor Francis Adewale for WSBA President

Francis Adewale is both the most experienced and most qualified person to be our next WSBA President. Being president requires not just an understanding of the Board of Governors and the Washington State Bar Association, but also of the various other Washington Supreme Court entities that connect with WSBA. Governor Adewale has experience across the spectrum of WBSA impacted organizations. As treasurer for the last two years he has done an incredible job and gained unique insight into the workings of the bar.

Just as important, Governor Adewale has the insight to be forward thinking and the courage to stand up for the future of our organization rather than simply cater to short-sighted desire. For an organization like WSBA to continue we have to have that courage and foresight in our leadership. Especially in our president it is essential to have someone who can speak with authority and leadership to the public, our members, and our counterparts around the nation. Francis is that voice.

Finally, I want to note what a consistently jovial and collaborative energy Governor Adewale brings to the Board. While speaking little a president has to be able to set a positive and productive tone for meetings. Francis does that so seemingly easily one wants to assume that he was just born with that innate talent. Patience and understanding abound in him to such an extent that he inspires others to be more like him. What more could we ask of the Board's resident butterfly?

For all these reasons and more I am honored to nominate Francis Adewale to be the next president of the Washington State Bar. I look forward to casting my vote for Governor Adewale and hope that you will, too.

Gov. Jordan Couch

From the Computer of
Kristina Larry

December 15, 2023

Re: Francis Adewale – Candidate for WSBA President-Elect

Dear Governors,

I am writing this letter in support of Francis Adewale, who is an excellent candidate for Washington State Bar Association President for 2025-2026.

Francis has diligently served as the 5th District Governor since 2021 and as treasurer since 2022. Through his role as treasurer, he has provided transparency in our budget and audit process to the members of the Bar as well as his fellow governors. Francis' Treasurer's Report has served to not only keep the membership informed of the budget but to also elicit feedback and questions in an open and genial fashion. He has consistently put the wellbeing of the members and WSBA at the forefront.

In addition, to being a great leader, Francis is a public servant. His advocacy for his clients, including his knowledge of the law and empathy in working with people when they find themselves in criminal justice system go beyond merely practicing law. He is a constant volunteer and serves on the Northwest Immigrant Rights Project and the Access to Justice Board.

Francis has an unmatched enthusiasm for WSBA and has an eye to the future that will only benefit the members and the Bar Association. He seeks input from all and he strives to welcome and include.

Therefore, I give my whole-hearted endorsement of his candidacy for President.

Sincerely,

Kristina Larry

Kristina Larry

33530 1st Way S, Suite 102 Federal Way, WA 98003

253-237-2746 • kristinalarrybog@gmail.com

WASHINGTON STATE
BAR ASSOCIATION

TO: Board of Governors

FROM: Terra Nevitt, Executive Director

Paris Eriksen, Volunteer Engagement Advisor

DATE: April 9, 2024

RE: WSBA Board of Governors Congressional District 1 Interview & Selection Process

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ACTION: Appoint the Congressional District 1 Governor for a one-year term.

The WSBA received two applicant submissions for the Congressional District 1 Governor position on the WSBA Board of Governors; **Parvin Price** and **G. Kim Risenmay**, whose candidate materials follow this memo.

Interview Process:
The candidate interviews will take place the Friday, May 2. Each candidate will be interviewed in public session and permitted fifteen minutes total for self-introduction and to answer questions. Governors may use the pool of interview questions provided but are not limited to these questions and may ask others should time permit.

Voting Process:

This appointment will be conducted through a secret paper ballot. For members of the Board of Governors who are attending virtually, the Executive Director will call to obtain their voter. After the interviews, Board members will be asked to indicate their choice through the secret ballot. All votes will be secret and made available only to three persons appointed by the President, one of which is the Executive Director. Results will be announced immediately following the election.

Background:

This position is being filled by appointment due to the fact that the WSBA did not receive any applications by the initial congressional district application deadline of February 15, 2024. After this deadline, the position was advertised accordingly with a revised deadline of April 9, 2024.

Relevant WSBA Bylaws:

B. NOMINATIONS AND APPLICATIONS

4. In the event no application is made for a seat, the position will be treated, advertised, and filled by Board appointment until the next election cycle only, in which the position will be included in the election cycle for the remainder of the term.

Attachments:

Pool of Interview Questions
Parvin Price, candidate materials

G. Kim Risenmay

WASHINGTON STATE
BAR ASSOCIATION

Pool of Interview Questions
for Congressional District 1 Candidates

April 2024

Background

1. Why do you want to serve in this role?
2. How will you fit Board service into your personal, work, and other commitments?
3. What motivates you as an individual?
4. Please share any prior board leadership experience.

Interest and Commitment

5. What experience(s) do you have related to WSBA's mission?
6. What interests you most about the WSBA?
7. What makes our mission meaningful to you?
8. What three adjectives or short phrases do you think best characterize WSBA?
9. What is your understanding of the role of the WSBA Board of Governors?

Skills and Expertise

10. What qualities make a great board member?
11. What would you suggest your unique contribution to the Board to be?
12. What is the most difficult problem that a board you have been on has had to deal with and what did you learn from that experience?

Current Topics and Member Engagement

13. How could you serve as a link between the organization and the legal community?
14. What initiatives (current or yet to be contemplated) do you think the Board should focus on to help serve the public and the members?
15. On June 4, 2020, our Washington Supreme Court issued a letter in response to the growing public outcry for social justice and call upon the legal profession to take individual and collective action towards addressing issues of racism in our legal system. In what ways can the WSBA act in response to this call to action?
16. As a board member, what would you do to promote diversity, equity, and inclusion on the Board itself and in the profession as a whole?

WSBA Board of Governors

Ladies and Gentlemen,

It is my understanding that you are seeking candidates to complete the term for the District 1 Governor Sunitha Anjilvel, who is our President Elect. As a resident of Bothell, WA and District 1, I offer myself as a candidate.

I have included my professional resume from my last firm, Barnes &Thornburg LLP, which provides various information about my work as a lawyer in Indiana. What is not included in that resume I have set forth below, anticipating that it may also be of interest as you consider numerous candidates for this position.

Starting in the spring of my first year of law school I sought and accepted a position as the only law clerk of a solo practitioner in Louisville Ky.- Darryl T Owens. Mr. Owens taught me a great deal about the practice of law, the difficulty many of our potential clients face, and the focus necessary to succeed. Though not able to obtain admission at my law school, he never the less rose to become a University of Louisville Trustee, state legislator, member of numerous boards and recognized civil rights leader. I have always believed, that if Mr. Owens could give me a chance, the least I could do was to repay his generosity wherever possible.

Following my work in state government as described in my resume, I opened a solo practice. After four years, I was invited to join the firm of Bose McKinney and Evans, where I became a partner and the 52nd lawyer. I served that firm as a member of its Executive Committee (the management committee), served as the head of the associates committee, and built the utility practice group. By the time I left this firm, the firm had grown to over 100 lawyers and the utility practice group had grown to 5 lawyers.

In 2016, I was invited to join Barnes and Thornburg, as a partner, where I remained until retirement.

But by now, you must be wondering why an Indiana lawyer wants to help the WSBA and how can he be of help. The answers to those questions are numerous. First, I have practiced as a lawyer in numerous different situations, much like our colleagues in the WSBA. Second, I have the time to commit. Third, my daughter is a Washington lawyer working with the Public Employees Relations Commission. Fourth, and finally, my granddaughter has Downs Syndrome. Anything I can do which helps our colleagues of the WSBA may ultimately help her.

Just as Mr. Darryl Owens helped me in the spring of 1975, as I mention above, perhaps I can help others through the Board of Governors.

Thank you for your consideration.

Parvin Price

BARNES & THORNBURG LLP

Parvin Price

Of Counsel (Retired)

P [redacted]
parvin.price@btlaw.com

EDUCATION

University of Louisville, (J.D.), 1977

University of Evansville, (B.A.), 1974

BAR ADMISSIONS

Indiana

COURT ADMISSIONS

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Southern District of Indiana

U.S. Supreme Court

LANGUAGES

English

As Indiana's first ever Utility Consumer Counselor and a past deputy attorney general for the state, industry outlier Parvin Price offered decades of honed experience in all areas of utility and energy law, including natural gas, electricity and water, and assisted clients in the funding of various infrastructure improvement projects.

Parvin represented investor-, cooperatively- and municipally-owned utilities, as well as industrial or wholesale customers, before the Indiana Utility Regulatory Commission, the Indiana Department of Environmental Management, and trial and appellate courts throughout the region. He also advised organizing groups on the creation of new operating entities interested in providing utility services in Indiana.

Notably, during Parvin's service as Indiana's first Utility Consumer Counselor from 1981 to 1985, all Indiana utilities were regulated. Over the last decades, numerous utilities have become deregulated. However, Parvin's deep experience allowed him to advise clients subject to regulation and those outside of regulation on how to avoid the mistakes of their predecessors.

Regardless of the economic or regulatory climate, Parvin was an industry veteran who knows the terrain and how to lead utilities through the obstacles they face, including the recurring historic changes that continue to occur. He was appreciated by clients and colleagues alike for his multidimensional experience, sage perspective and ability to offer solutions in a manner that is easily understood. When Parvin's clients were faced with an issue that requires flexibility, he demonstrated the requisite agility and acute know-how to guide them toward the desired result.

Parvin was a frequent speaker on issues of utility management and state agency regulation. He currently serves as general counsel for the Alliance of Indiana Rural Water. Parvin also works with Indiana regulators and his Utility Consumer Counselor successors on myriad issues facing the industry today.

Professional and Community Involvement

Member or former member, Indianapolis Bar Association, Indiana State Bar Association, American Water Works Association, Indiana Rural Water Association, Indiana Regional Sewer District Association, Indiana Municipal Lawyers Association, Indiana Energy Association, Indiana Municipal Electric Association, and Electric Cooperative Bar Association

Former board member and past president, Metropolitan School District of Pike Township Board of Directors, 1990-1998

Honors

The Best Lawyers in America, 2007-2022

Recipient, Sagamore of the Wabash (Indiana's highest civilian honor)

Recipient, Indiana General Assembly concurrent resolution recognizing his work as Utility Consumer Counselor

Martindale-Hubbell, AV-rated

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Congressional District - Application Form

All Application materials must be received by 5 p.m. PST on Thursday, February 15, 2024.

INSTRUCTIONS

1. Review all information regarding board service, the application and the election processes online here.
2. Complete this application form. If you are nominating someone else, ask them to sign it below.
3. Complete other requested materials, see website for more information.
4. Letters of Support (if desired) can be submitted with your materials or separately. Letters of support should be emailed to barleaders@wsba.org no later than Thursday, February 15, 2024.
5. Email the signed form and materials to barleaders@wsba.org. Applications must be received by 5 p.m. PST on Thursday, February 15, 2024. Late materials will not be accepted.

Applicant Information	
Name	Parvin Price (WSBA licensure under full name Lester Parvin Price)
WSBA Bar #	57675
Email Address	parvin.price@btlaw.com
Phone Number	3176917040
Congressional District Position:	Select District District 1

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned Active member of the Washington State Bar Association, am running for the office of Governor from Select District Choose an item. .

Name of Candidate (please print)	WSBA Bar #
Parvin Price	57675
Signature of Nominator (if relevant)	WSBA Bar #
Signature of Candidate	

The WSBA values diversity and inclusion, and encourages Black, Indigenous and people of color, women, people from the LBGTQ communities, people with disabilities, and members of other groups who have been systemically oppressed to apply for our committees, boards, and panels. This process is administered by the Office of the Executive Director. Submit the application form and all materials to WSBA no later than 5 p.m. PST on February 15, 2024. Filing may be accomplished by emailing the scanned form to barleaders@wsba.org. For questions, please email Volunteer Engagement Advisor, Paris Eriksen, at parise@wsba.org.

G. Kim Risenmay

206-306-3918

[redacted]

WSBA Service

2015-2018 Board of Governors, District One Representative
2017-2018 WSBA Treasurer
2021-2022 WSBA Parliamentarian
2022 WSBA President's Award recipient for my service to the Bar

Professional Career

1976-1982 Pilot, U.S. Air Force (Captain)

I have held an active Law license in Washington since 1985 and am admitted to practice before the federal courts and the United States Supreme Court. I was also a licensed CPA from 1998 until I retired that license in 2015.

1985-1997 Attorney at the Perkins Coie and Bogle & Gates law firms; Tax Partner at Bogle & Gates from 1994-1997.

1997-2006 Partner at the PricewaterhouseCoopers (PwC) accounting firm, in charge of PwC's state and local tax services for a nine state region.

2006 to present, following retirement from PwC I have practiced law as a Senior Attorney at the Stoel Rives law firm and then in private solo practice since 2014.

Academics

B.S. in Accounting, *summa cum laude,* Brigham Young University, 1975.
Master of Accountancy,*summa cum laude,* Brigham Young University,1976.
J.D., *magna cum laude,* Brigham Young University, 1985; Executive Editor, BYU Law Review.
LL.M in Taxation, University of Washington, 2007.
I also taught the State and Local Tax course in the University of Washington's LL.M in Taxation program for four years.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Congressional District - Application Form

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INSTRUCTIONS

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5. Email the signed form and materials to barleaders@wsba.org. Applications must be received by 5 p.m. PST on Thursday, February 15, 2024. Late materials will not be accepted.

Applicant Information	
Name	Glade Kim Risenmay
WSBA Bar #	15389
Email Address	[redacted]
Phone Number	206-306-3918
Congressional District Position:	District 1

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned Active member of the Washington State Bar Association, am running for the office of Governor from Choose an item..

Glade Kim Risenmay — 15389

Name of Candidate (please print) — WSBA Bar #

Signature of Nominator (if relevant) — WSBA Bar #

G. Kim Risenmay

Signature of Candidate

The WSBA values diversity and inclusion, and encourages Black, Indigenous and people of color, women, people from the LBGTQ communities, people with disabilities, and members of other groups who have been systemically oppressed to apply for our committees, boards, and panels. This process is administered by the Office of the Executive Director. Submit the application form and all materials to WSBA no later than 5 p.m. PST on February 15, 2024. Filing may be accomplished by emailing the scanned form to barleaders@wsba.org. For questions, please email Volunteer Engagement Advisor, Paris Eriksen, at parise@wsba.org.

WASHINGTON STATE
BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: FY 2024 Reforecast Budgets

Date: April 12, 2024

ACTION: Approve the FY 2024 Budget Reforecast.

The WSBA annual budget is approved each September for the coming fiscal year and throughout the year, there may be instances where the budget needs to be adjusted to align with operational needs. WSBA Fiscal Policies and Procedures provide two options for implementing budget adjustments: reallocation and reforecasting. Budget reallocations that do not impact the bottom line of the budget can happen at any time during the fiscal year and generally are approved by the Executive Director with reporting to the President and full Board of Governor (given dollar amount limits outlined in the policy). This process has been used routinely since it was implemented at the beginning of FY 2023. A budget reforecast is used when needed, typically once in the middle of the year and is geared towards amending the budget to account for unanticipated events that require more significant changes to the budget and changes the bottom line.

For FY 2024, we have identified changes described below that warrant using the reforecast process. The largest of which stem from changes to expenses from the negotiation of WSBA's office space lease which will be presented to the Board of Governors at their May 2-3, 2024 meeting. The Budget and Audit Committee reviewed and FY 2024 Budget Reforecast at their meeting on April 12, 2024 and voted unanimously to recommend that the Board of Governors approve the FY 2024 Budget Reforecast.

BUDGET COMPARISON: BUDGET vs REFORECAST

ALL FUNDS BUDGET	BUDGET	REFORECAST	Difference
REVENUE	$25,511,230	$25,881,230	+$370,000
EXPENSE	$26,803,467	$27,044,392	+$240,925
Direct Expense	*$4,704,510*	*$4,670,791*	*($33,719)*
Indirect Expense	*$22,098,957*	*$22,373,601*	*+$274,644*
NET INCOME/(LOSS)	**($1,292,237)**	**($1,163,162)**	**($129,075)**
Use of Facilities Reserve	$0	$336,637	$336,637
NET INCOME/(LOSS) w/use of Facilities Reserve	**($1,292,237)**	**($826,525)**	**($465,712)**

(1) GENERAL FUND

The General Fund captures the majority of WSBA's work, including regulatory functions and most services to members and the public. License fees is the primary source of revenue that supports the 38 cost centers within the General Fund. The majority of changes for the reforecast are captured in the General Fund. (*See attachment A for General Fund detailed cost center budgets.)*

General Fund Budget	BUDGET	REFORECAST	Difference
▪ Revenue	$22,484,537	$22,734,537	+$250,000
▪ Expenses	$23,512,812	$23,704,645	($191,833)
▪ Net Income/(Loss)	($1,028,275)	($970,108)	($58,167)
▪ Use of Facilities Reserves	$0	$311,547	$311,547
▪ **NET INCOME/(LOSS) w/use of Facilities Reserve**	**($1,028,275)**	**($658,561)**	($369,714)

(2) CLE FUND

The CLE Fund Budget consists of three cost centers: (1) CLE Products; (2) CLE Seminars; and (3) Deskbooks. No changes were made to revenue or direct expenses; indirect expenses decreased in the reforecast. (*See attachment B for CLE Fund detailed cost center budgets.)*

CLE Fund Budget	BUDGET	REFORECAST	Difference
▪ Revenue	$1,741,800	$1,741,800	$0
▪ Expenses	$1,584,459	$1,628,767	+$44,308
▪ Net Income/(Loss)	$157,341	$113,033	($44,308)
▪ Use of Facilities Reserves	$0	$22,225	$22,225
▪ **NET INCOME/(LOSS) w/use of Facilities Reserve**	**$157,341**	**$135,258**	($22,083)

(3) CLIENT PROTECTION FUND (CPF)

The Client Protection Fund (CPF) is a legally restricted fund created in 1995 by the Washington Supreme Court and WSBA to make gifts to compensate those financially victimized by lawyer dishonesty or failure to account for client funds or property. It is principally funded by an annual assessment on all active members and *pro hac vice* admissions as required by the Washington Supreme Court. The CPF fund has changes to both revenue and indirect expenses in the reforecast budget. (*See attachment C for Client Protection Fund detailed cost center budgets.)*

Client Protection Fund Budget	BUDGET	REFORECAST	Difference
▪ Revenue	$595,930	$715,930	+$120,000
▪ Expenses	$688,630	$693,414	+$4,784
▪ Net Income/(Loss)	($92,700)	$22,516	+$115,216
▪ Use of Facilities Reserves	$0	$2,865	$2,865
▪ **NET INCOME/(LOSS) w/use of Facilities Reserve**	**($92,700)**	**$25,381**	$118,081

(4) SECTIONS FUND

The reforecast does not include any changes to Sections budgets.

REFORECAST CHANGES

Provided below is a narrative list of the changes between the FY 2024 Budget and Reforecast reflected in the summaries above.

Revenue Changes	Budget Impact
GENERAL FUND:	
▪ **Interest Income**: increased to account for maintaining higher interest rates on investments that mature throughout FY24. Original budget assumed interest rates would lower earlier in the year and they have remained steady at the higher rates.	**+$250,000**
CPF FUND:	
▪ **Interest Income:** increased for same reasons as General Fund	**+$120,000**
Total Increase in Revenue from FY 2024 Budget	**+$370,000**

Indirect Expense Changes	Budget Impact
SALARIES:	
▪ **Temporary Employees:** increased to support scanning of records as part of WSBA space downsizing and renegotiation of office space lease	**+$153,600**
BENEFITS:	**+215,467**
▪ **FICA:** increase tied to change in temporary employees salaries expense	+$11,750
▪ **Medical:** adjustment required to account for higher increase in rates, plan selection changes, and original budgeting formula correction	+$200,459
▪ **Unemployment, L&I, and WA Family Leave Insurance:** increased tied to change in temporary employees salaries expense	+$3,258
OTHER INDIRECTS:	**($94,423)**
▪ **Rent:** reduction of cost for new lease terms based on accounting reporting requirements	($312,450)
▪ **Move/Downsizing Expenses:** additional cost for demolition and liquidation of furniture and equipment due to renegotiation of office space lease	$98,400
▪ **Furniture, Maintenance, LH Imp:** additional desks and chairs for redesigned space due to renegotiation of office space lease	+$28,832
▪ **Office Supplies & Equipment:** monitor mounts for redesigned space due to renegotiation of office space lease	+$1,064
▪ **Records Storage:** additional cost to move all offsite storage boxes in house for scanning and destruction of records due to redesigned space and renegotiation of office space lease	+$38,531
▪ **Computer Pooled Expenses:** includes $1,200 for monitors due to space redesign and renegotiating of office space lease and $50,000 for consulting services to identify replacement for membership database	+$51,200
Total Increase in Indirect Expense from FY 2024 Budget	**+$274,644**

Direct Expense Changes	Budget Impact
GENERAL FUND:	**($33,719)**
▪ **Depreciation (DISC):** reduction in expense due to delay in go-live date for discipline database software replacement	($34,069)
▪ **Staff Membership Dues (RSD FTE):** addition of ABA membership dues	+$350
Total Decrease in Direct Expenses from FY 2024 Budget	**($33,719)**

FY24-FY27 GENERAL FUND FISCAL PROJECTIONS

Fiscal projections through FY27 have been updated using the FY 2024 reforecast budget figures and reflect the assumptions provided below. Currently, the General Fund includes two Board designated reserves with balances totaling $4.7 million: (1) Operating Reserve of $2.0 million and (2) Facilities Reserve of $2.7 million. Additionally, there are two reserves with no balances, License Fee Stability Fund, and the Special Projects/Innovation Fund. All remaining general fund balances are undesignated and therefore considered "unrestricted." Budgeting a net loss reflects a purposeful use of the WSBA's reserves. The chart below demonstrates the impact on WSBA's unrestricted reserves based on the projected annual use of reserves if actual financial results match the budget/projection. The table also includes estimates assuming that we will outperform the budget by $600,000, a figure that is based on WSBA's historic actual performance. WSBA's lease renegotiation allows for long-term savings in rent expense which allows for use of unrestricted reserves at a slower pace than in previous projections.

GENERAL FUND PROJECTIONS FY2024 - FY2027 LICENSE FEES @ $458				
	FY24 REFORECAST	FY25 PROJECTIONS	FY26 PROJECTIONS	FY27 PROJECTIONS
BEGINNING CYCLE FUND BALANCE	9,849,490	8,879,381	7,655,026	5,595,517
REVENUE	22,734,537	22,803,963	22,936,057	23,157,062
Licensing Revenue	17,320,499	17,437,317	17,618,537	17,801,992
Other Revenue	5,414,038	5,366,646	5,317,520	5,792,253
EXPENSES	23,704,646	24,028,318	24,995,566	26,008,668
Direct	2,826,533	2,939,594	3,057,178	3,179,465
Indirect	20,878,113	21,088,724	21,938,388	22,829,203
NET INCOME/(LOSS) AND ANTICIPATED USE OF RESERVES	-970,109	-1,224,355	-2,059,509	-2,851,606
FACILIITES RESERVE BALANCE OFFSET	311,547	0	0	0
UNRESTRICTED RESERVE BALANCE OFFSET	658,562	1,224,355	2,059,509	1,207,064
NET OPERATING RESULT	0	0	0	-1,644,542
FY24-FY27 General Fund Balance	8,879,381	7,655,026	5,595,517	2,743,911
Operating & Facilities Restricted Reserves	4,388,453	4,388,453	4,388,453	4,388,453
Remaining Unrestricted Reserves	4,490,928	3,266,573	1,207,064	-1,644,542
Remaining Unrestricted Reserves w/$600K offset	5,090,928	4,466,573	3,007,064	755,458

Assumptions

Revenue:

- No change to the license fee rate of $458 through 2027.
- Average increase in License Fees revenue of 1% annually to account for net increase in membership.
- All other revenue sources average under 1% increase in revenue annually. We expect many of our revenue sources to remain relatively static based on current trends, with small increases in select areas.

Expense:

- Salaries: the FY25 and FY27 projections include a 2% increase to the midpoint of the compensation grid (a market-based adjustment for all positions) and no change to the grid in FY26. The annual increased costs support movement through the compensation grid for all positions, offset by savings due to attrition.
- No additional FTE
- Corresponding increase in taxes and benefits tied to projected salary increases.
- Average increase in medical costs of 5% each year.
- Average increase in all other benefits of 3% each year.
- Rent expense based on newly established lease terms effective September 1, 2024
- Average increase in direct expenses of 4% each year.

ATTACHMENTS

A	**Reforecast FY24 General Fund Budget**
B	**Reforecast FY24 CLE Budget**
C	**Reforecast FY24 CPF Budget**

Washington State Bar Association Financial Summary
Fiscal Year 2024 Reforecast

Category	FY24 Reforecast Revenues	FY24 Reforecast Total Expenses	FY24 Reforecast Net Result
Access to Justice	-	340,821	(340,821)
Admissions/Bar Exam	1,300,740	1,341,846	(41,106)
Advancement FTE	-	377,799	(377,799)
Bar News	610,100	713,139	(103,039)
Board of Governors	-	572,479	(572,479)
Character & Fitness Board	-	179,219	(179,219)
Communications Strategies	500	822,514	(822,014)
Communications Strategies FTE	-	247,980	(247,980)
Discipline	119,000	6,229,667	(6,110,667)
Diversity	135,000	480,037	(345,037)
Finance	650,000	1,153,709	(503,709)
Foundation	-	180,078	(180,078)
Human Resources	-	625,154	(625,154)
Law Clerk Program	207,200	187,907	19,293
Legislative	-	281,375	(281,375)
Legal Lunchbox	29,000	55,930	(26,930)
Licensing and Membership Records	450,900	685,171	(234,271)
Licensing Fees	17,320,499	0	17,320,499
Limited License Legal Technician	20,712	95,370	(74,658)
Limited Practice Officers	202,000	136,704	65,296
Mandatory CLE	1,113,800	923,629	190,171
Member Wellness Program	7,500	240,493	(232,993)
Member Services & Engagement	10,800	392,185	(381,385)
Mini CLE	-	116,330	(116,330)
New Member Education	67,000	107,828	(40,828)
Office of General Counsel	-	1,108,971	(1,108,971)
Office of the Executive Director	-	817,472	(817,472)
OGC-Disciplinary Board	-	303,120	(303,120)
Practice of Law Board	-	96,860	(96,860)
Practice Management Assistance	62,000	212,723	(150,723)
Professional Responsibility Program	-	237,403	(237,403)
Public Service Programs	130,000	516,739	(386,739)
Publication and Design Services	-	126,620	(126,620)
Regulatory Services FTE	-	559,750	(559,750)
Sections Administration	297,786	303,338	(5,552)
Service Center	-	729,512	(729,512)
Technology	-	2,087,445	(2,087,445)
Volunteer Engagement	-	117,334	(117,334)
Subtotal General Fund	**22,734,537**	**23,704,645**	**(970,108)**
Expenses using reserve funds		(311,547)	311,547
Total General Fund - Net Result from Operations	**22,734,537**	**23,393,098**	**(658,561)**
CLE-Seminars and Products	1,605,300	1,346,001	259,299
CLE - Deskbooks	136,500	282,766	(146,266)
Total CLE	**1,741,800**	**1,628,767**	**113,033**
Expenses using Facilities Reserve funds	-	(22,225)	22,225
Total CLE Fund - Net Result from Operations	**1,741,800**	**1,606,542**	**135,258**
Total All Sections	688,963	1,017,566	(328,603)
Client Protection Fund-Restricted	715,930	693,414	22,516
Expenses using Facilities Reserve funds	-	(2,865)	2,865
Total CPF Fund - Net Result from Operations	**715,930**	**690,549**	**25,381**
Totals	**25,881,230**	**27,044,392**	**(1,163,162)**
Totals Net of Use of Facilities Reserve Funds	**25,881,230**	**26,707,755**	**(826,525)**

INDIRECT EXPENSES

Cost Center **FY24 FTE** **144.50**
All **REFORECAST FTE** **144.50**

Washington State Bar Association
Budget Comparison

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
INDIRECT	**51110**	SALARIES	13,743,352	13,743,352	(0)	0%	11,940,870	12,570,946
	51120	BUDGETED TEMPORARY EMPLOYEES	142,512	296,112	153,600	108%	143,280	196,091
	51121	UNANTICIPATED TEMPS	-	-	-		31,013	1,364
	51925	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-
	55555	INSURANCE REBATE	(4,060)	(4,060)	-	0%	-	-
	51955	CAPITAL LABOR & OVERHEAD	(210,000)	(210,000)	-	0%	(267,632)	(275,379)
	51199	**SALARY EXPENSE**	**13,471,804**	**13,625,404**	**153,600**	**1%**	**11,847,531**	**12,493,023**
	51210	EMPLOYEE ASSISTANCE PLAN	4,800	4,800	0	0%	4,800	5,200
	51220	EMPLOYEE SERVICE AWARDS	1,680	1,680	(0)	0%	1,655	2,345
	51230	FICA (EMPLOYER PORTION)	1,015,935	1,027,685	11,750	1%	915,303	925,580
	51240	L&I INSURANCE	71,948	73,611	1,663	2%	65,681	58,584
	51245	WA STATE FAMILY MEDICAL LEAVE (ER PORTION)	29,351	29,686	335	1%	18,724	25,359
	51250	MEDICAL (EMPLOYER PORTION)	1,743,648	1,944,108	200,459	11%	1,652,191	1,676,604
	51270	RETIREMENT (EMPLOYER PORTION)	1,292,648	1,292,648	0	0%	1,203,504	1,263,903
	51280	TRANSPORTATION ALLOWANCE	34,000	34,000	-	0%	51,168	34,072
	51290	UNEMPLOYMENT INSURANCE	81,488	82,748	1,260	2%	74,734	72,674
	51299	**BENEFITS EXPENSE**	**4,275,499**	**4,490,966**	**215,467**	**5%**	**3,987,760**	**4,064,319**
	51310	WORKPLACE BENEFITS	52,710	52,710	(0)	0%	33,394	40,489
	51340	HUMAN RESOURCES POOLED EXP	77,112	77,112	-	0%	75,425	60,354
	51405	MEETING SUPPORT EXPENSES	7,500	7,500	(0)	0%	5,182	7,288
	51410	RENT	2,065,775	1,753,325	(312,450)	-15%	2,031,801	387,388
	51411	MOVE/DOWNSIZING EXPENSES	-	98,400	98,400		-	-
	51420	PERSONAL PROP TAXES-WSBA	6,650	6,650	(0)	0%	5,832	5,396
	51430	FURNITURE, MAINT, LH IMP	45,000	73,832	28,832	64%	19,729	18,147
	51440	OFFICE SUPPLIES & EQUIP	21,500	22,564	1,064	5%	19,752	21,672
	51450	FURN & OFFICE EQUIP DEPREC	111,192	111,192	(0)	0%	53,757	65,022
	51470	COMPUTER HARDWARE DEPREC	49,926	49,926	(0)	0%	36,255	41,397
	51480	COMPUTER SOFTWARE DEPREC	71,787	71,787	(0)	0%	99,934	51,471
	51500	INSURANCE	272,643	272,643	-	0%	254,713	266,861
	51501	WORK HOME FURNITURE & EQUIP	14,000	14,000	(0)	0%	43,021	5,833
	51505	PROFESSIONAL FEES-AUDIT	35,000	35,000	(0)	0%	30,000	30,365
	51510	PROFESSIONAL FEES- LEGAL	200,000	200,000	(0)	0%	135,866	43,565
	51512	ONLINE LEGAL RESEARCH	24,359	24,359	(0)	0%	-	41,279
	51513	ACCOMODATIONS FUND	6,500	6,500	(0)	0%		
	51514	TRANSLATION SERVICES	12,000	12,000	(0)	0%		
	51515	TELEPHONE & INTERNET	33,000	33,000	(0)	0%	14,437	23,557
	51520	POSTAGE - GENERAL	18,300	18,300	0	0%	17,215	11,442
	51525	RECORDS STORAGE	30,000	68,531	38,531	128%	27,648	27,155
	51526	STAFF TRAINING	-	-	-		-	-
	51530	BANK FEES (INDIRECT)	50,000	50,000	(0)	0%	46,531	46,382
	51620	PRODUCTION MAINT & SUPPLIES	12,500	12,500	0	0%	10,650	3,837
	51710	COMPUTER POOLED EXPENSES	1,134,200	1,185,400	51,200	5%	852,470	1,060,198
	51900	**OTHER INDIRECT EXPENSE**	**4,351,654**	**4,257,231**	**(94,423)**	-2%	**3,813,613**	**2,259,098**
		TOTAL INDIRECT EXPENSES:	**22,098,957**	**22,373,601**	**274,644**	**1%**	**19,648,904**	**18,816,440**

ATTACHMENT A

Washington State Bar Association
Budget Comparison

ACCESS TO JUSTICE

Cost Center	**FY24 FTE**	**1.64**
ATJ	**REFORECAST FTE**	**1.64**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-		-	-
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	2,800	2,800	-	0%	258	4,093
	50110	STAFF CONFERENCE & TRAINING	3,300	3,300	-	0%	350	1,644
	50145	SURVEYS	-	-	-		-	131
	52121	ATJ BOARD RETREAT	4,000	4,000	-	0%	396	2,130
	52125	LEADERSHIP TRAINING	4,000	4,000	-	0%	2,000	2,175
	52140	ATJ BOARD EXPENSE	65,000	65,000	-	0%	13,656	82,008
	52874	PUBLIC DEFENSE	4,000	4,000	-	0%	5,225	1,086
	58225	CONFERENCE/INSTITUTE EXPENSE	-	-	-		-	84,407
	58450	RECEPTION/FORUM EXPENSE	11,000	11,000	-	0%	-	6,483
	TOTAL DIRECT EXPENSES		**94,100**	**94,100**	**-**	**0%**	**21,885**	**184,157**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	145,500	145,500	0	0%	91,005	138,970
	51299	BENEFITS EXPENSE	47,875	52,903	5,028	11%	33,679	46,815
	51900	OTHER INDIRECT EXPENSE	49,389	48,317	(1,072)	-2%	35,177	45,497
	TOTAL INDIRECT EXPENSES:		**242,764**	**246,721**	**3,957**	**2%**	**159,861**	**231,281**
	TOTAL ALL EXPENSES:		**336,864**	**340,821**	**3,957**	**1%**	**181,745**	**415,438**
	NET INCOME (LOSS):		**(336,864)**	**(340,821)**	**(3,957)**	**1%**	**(181,745)**	**(415,438)**

Washington State Bar Association

ADMISSIONS

Cost Center	**FY24 FTE**	**6.75**						
ADMISS	**REFORECAST FTE**	**6.75**						
			FY2024 Budget V6	**FY2024 Reforecast**	**V6 vs Reforecast Comparison**	**% Change**	**FY2022 Actuals YTD**	**FY2023 Actuals YTD**
REVENUE:	**40705**	EXAM SOFTWARE REVENUE	27,500	27,500	-	0%	28,150	28,270
	42207	BAR EXAM FEES	1,160,000	1,160,000	-	0%	1,083,825	1,075,529
	42230	BAR EXAM LATE FEES	55,000	55,000	-	0%	53,700	65,400
	42232	HOUSE COUNSEL APPLICATION FEES	45,000	45,000	-	0%	45,540	26,880
	42270	RULE 9/LEGAL INTERN FEES	12,000	12,000	-	0%	12,350	13,350
	42285	FOREIGN LAW CONSULTANT FEES	1,240	1,240	-	0%	1,860	1,540
	42287	SPECIAL ADMISSIONS	-	-	-		3,190	3,510
	TOTAL REVENUE		**1,300,740**	**1,300,740**	**-**		**1,228,615**	**1,214,479**
DIRECT EXPENSES:	**50050**	EQUIPMENT, HARDWARE & SOFTWARE	1,000	1,000	-		-	-
	50060	POSTAGE	1,000	1,000	-	0%	-	629
	50100	STAFF TRAVEL/PARKING	20,000	20,000	-	0%	23,795	27,479
	50110	STAFF CONFERENCE & TRAINING	13,500	13,500	-	0%	6,729	2,973
	50120	STAFF MEMBERSHIP DUES	400	400	-	0%	250	400
	50140	SUPPLIES	1,500	1,500	-	0%	2,710	882
	52210	FACILITY, PARKING, FOOD	94,000	94,000	-	0%	76,311	102,379
	52215	EXAMINER FEES	34,000	34,000	-	0%	31,500	28,500
	52221	UBE EXAMINATIONS	113,000	113,000	-	0%	110,110	117,486
	52225	BOARD OF BAR EXAMINERS	39,000	39,000	-	0%	4,251	30,557
	52230	BAR EXAM PROCTORS	21,000	21,000	-	0%	31,952	38,709
	52240	DISABILITY ACCOMMODATIONS	55,967	55,967	-	0%	26,406	30,007
	52245	CHARACTER & FITNESS INVESTI	1,000	1,000	-	0%	108	-
	54380	ONLINE LEGAL RESEARCH	-	-	-		3,817	-
	52250	LAW SCHOOL VISITS	1,700	1,700	-	0%	354	644
	55555	SOFTWARE HOSTING	41,140	41,140	-	0%		
	54390	LAW LIBRARY	-	-	-		138	-
	52270	DEPRECIATION-SOFTWARE	11,038	11,038	-	0%	24,520	24,447
	TOTAL DIRECT EXPENSES		**449,245**	**449,245**	**-**	**0%**	**342,952**	**405,092**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	522,057	522,057	(0)	0%	535,723	496,475
	51299	BENEFITS EXPENSE	186,844	171,676	(15,168)	-8%	174,798	193,718
	51900	OTHER INDIRECT EXPENSE	203,278	198,867	(4,411)	-2%	186,135	187,219
	TOTAL INDIRECT EXPENSES:		**912,180**	**892,601**	**(19,579)**	**-2%**	**896,656**	**877,411**
	TOTAL ALL EXPENSES:		**1,361,425**	**1,341,846**	**(19,579)**	**-1%**	**1,239,607**	**1,282,503**
	NET INCOME (LOSS):		**(60,685)**	**(41,106)**	**19,579**	**-32%**	**(10,992)**	**(68,024)**

Washington State Bar Association
Budget Comparison

ADVANCEMENT FTE

Cost Center	**FY24 FTE**	**1.89**
ADV FTE	**REFORECAST FTE**	**1.89**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**		**-**	**-**
DIRECT EXPENSES:	**50110**	STAFF CONFERENCE & TRAINING	8,424	8,424	-	0%	2,924	6,276
	TOTAL DIRECT EXPENSES		**8,424**	**8,424**	**-**	**0%**	**2,924**	**6,276**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	244,054	244,054	-	0%	223,017	233,552
	51299	BENEFITS EXPENSE	58,985	69,638	10,653	18%	66,651	61,383
	51900	OTHER INDIRECT EXPENSE	56,918	55,683	(1,235)	-2%	51,127	52,029
	TOTAL INDIRECT EXPENSES:		**359,957**	**369,375**	**9,418**	**3%**	**340,795**	**346,964**
	TOTAL ALL EXPENSES:		**368,381**	**377,799**	**9,418**	**3%**	**343,719**	**353,241**
	NET INCOME (LOSS):		**(368,381)**	**(377,799)**	**(9,418)**	**3%**	**(343,719)**	**(353,241)**

Washington State Bar Association
Budget Comparison

BAR NEWS
Cost Center **FY24 FTE** **2.23**
BN **REFORECAST FTE** **2.23**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40900**	ROYALTIES	2,500	2,500	-	0%	5,310	1,496
	42710	BNEWS DISPLAY ADVERTISING	400,000	400,000	-	0%	331,332	400,556
	42720	BNEWS SUBSCRIPT/SINGLE ISSUES	100	100	-	0%	72	108
	42730	BNEWS CLASSIFIED ADVERTISING	7,500	7,500	-	0%	11,083	7,220
	42740	GEN ANNOUNCEMENTS	-	-	-		17,344	-
	42750	PROF ANNOUNCEMENTS	-	-	-		24,086	-
	42760	JOB TARGET ADVERSTISING	200,000	200,000	-	0%	271,814	174,398
	TOTAL REVENUE		**610,100**	**610,100**	**-**	**0%**	**661,041**	**583,778**
DIRECT EXPENSES:	**50060**	POSTAGE	110,000	110,000	-	0%	103,134	110,154
	50070	PRINTING & COPYING	250,000	250,000	-	0%	205,953	217,533
	50110	STAFF CONFERENCE & TRAINING	2,500	2,500	-	0%	997	-
	50120	STAFF MEMBERSHIP DUES	135	135	-	0%	-	135
	50130	SUBSCRIPTIONS	225	225	-	0%	90	203
	52730	OUTSIDE SALES EXPENSE	-	-	-		1,730	-
	50155	DIGITAL/ONLINE DEVELOPMENT	2,000	2,000	-	0%	9,815	571
	52710	GRAPHICS/ARTWORK	100	100	-	0%	-	-
	TOTAL DIRECT EXPENSES		**364,960**	**364,960**	**-**	**0%**	**321,719**	**328,596**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	213,007	213,007	-	0%	203,354	208,776
	51299	BENEFITS EXPENSE	63,040	69,472	6,432	10%	56,755	52,857
	51900	OTHER INDIRECT EXPENSE	67,157	65,700	(1,457)	-2%	74,539	61,884
	TOTAL INDIRECT EXPENSES:		**343,204**	**348,179**	**4,975**	**1%**	**334,648**	**323,516**
	TOTAL ALL EXPENSES:		**708,164**	**713,139**	**4,975**	**1%**	**656,367**	**652,112**
	NET INCOME (LOSS):		**(98,064)**	**(103,039)**	**(4,975)**	**5%**	**4,674**	**(68,334)**

Washington State Bar Association
Budget Comparison

BOARD OF GOVERNORS

Cost Center	**FY24 FTE**	**1.50**
BOG	**REFORECAST FTE**	**1.50**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	-	-	-		7,264	6,143
	50140	SUPPLIES	500	500	-	0%	-	-
	52125	LEADERSHIP TRAINING	20,000	20,000	-	0%	23,576	12,267
	52810	BOG MEETINGS	190,000	190,000	-	0%	167,735	228,469
	52820	BOG COMMITTEES' EXPENSES	2,500	2,500	-	0%	233	145
	52821	BOG RETREAT	35,000	35,000	-	0%	66	48,472
	52822	BOG CONFERENCE ATTENDANCE	60,000	60,000	-	0%	57,070	27,077
	52830	BOG TRAVEL & OUTREACH	22,000	22,000	-	0%	19,387	23,589
	52880	BOG ELECTIONS	26,900	26,900	-	0%	15,900	18,400
	52960	PRESIDENT'S DINNER	15,000	15,000	-	0%	11,570	26,390
	52910	MEMBER OUTREACH/ETHOS MEETINGS	-	-	-		18,786	-
	55555	NEW GOVERNOR ORIENTATION	10,000	10,000	-	0%	-	-
	55555	PRESIDENTS PHOTO	3,300	3,300	-	0%	-	-
	55555	LONG RANGE STRATEGIC PLANNING COUNCIL	600	600	-	0%	-	-
	TOTAL DIRECT EXPENSES		**385,800**	**385,800**	**-**	**0%**	**321,588**	**390,952**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	104,320	104,320	-	0%	104,367	122,306
	51299	BENEFITS EXPENSE	30,817	38,166	7,349	24%	33,720	34,722
	51900	OTHER INDIRECT EXPENSE	45,173	44,193	(980)	-2%	37,837	38,775
	TOTAL INDIRECT EXPENSES:		**180,310**	**186,679**	**6,369**	**4%**	**175,924**	**195,803**
	TOTAL ALL EXPENSES:		**566,110**	**572,479**	**6,369**	**1%**	**497,512**	**586,754**
	NET INCOME (LOSS):		**(566,110)**	**(572,479)**	**(6,369)**	**1%**	**(497,512)**	**(586,754)**

Washington State Bar Association
Budget Comparison

CHARACTER & FITNESS BOARD

Cost Center	**FY24 FTE**	**0.75**
CFB	**REFORECAST FTE**	**0.75**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	**52235**	CHARACTER & FITNESS BOARD EXP	18,000	18,000	-	0%	123	331
	54310	COURT REPORTERS	15,000	15,000	-	0%	3,256	1,709
	TOTAL DIRECT EXPENSES		**33,000**	**33,000**	**-**	**0%**	**3,379**	**2,040**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	93,739	93,739	-	0%	14,315	90,124
	51299	BENEFITS EXPENSE	22,924	30,383	7,460	33%	2,796	24,774
	51900	OTHER INDIRECT EXPENSE	22,586	22,096	(490)	-2%	1,513	20,903
	TOTAL INDIRECT EXPENSES:		**139,249**	**146,219**	**6,970**	**5%**	**18,624**	**135,801**
	TOTAL ALL EXPENSES:		**172,249**	**179,219**	**6,970**	**4%**	**22,004**	**137,840**
	NET INCOME (LOSS):		**(172,249)**	**(179,219)**	**(6,970)**	**4%**	**(22,004)**	**(137,840)**

Washington State Bar Association
Budget Comparison

COMMUNICATION STRATEGIES

Cost Center	**FY24 FTE**	**5.20**
COMM	**REFORECAST FTE**	**5.20**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41450**	SPONSORSHIPS	-	-	-		1,000	-
	42570	50 YEAR MEMBER TRIBUTE LUNCH	500	500	-	0%	480	1,615
	44100	WSBA LOGO MERCHANDISE SALES	-	-	-		2,642	2,760
	TOTAL REVENUE		**500**	**500**	**-**	**0%**	**4,122**	**4,375**
DIRECT EXPENSES:	**50050**	EQUIPMENT, HARDWARE & SOFTWARE	2,500	2,500	-	0%	-	-
	50100	STAFF TRAVEL/PARKING	5,895	5,895	-	0%	4,003	2,401
	50110	STAFF CONFERENCE & TRAINING	7,500	7,500	-	0%	2,358	1,817
	50120	STAFF MEMBERSHIP DUES	1,120	1,120	-	0%	740	1,567
	50130	SUBSCRIPTIONS	4,000	4,000	-	0%	3,468	2,576
	52570	APEX	50,000	50,000	-	0%	46,461	39,146
	52573	50 YEAR MEMBER TRIBUTE LUNCH	30,000	30,000	-	0%	30,070	22,084
	52878	COMMUNICATIONS OUTREACH	15,000	15,000	-	0%	1,298	3,287
	54027	BAR OUTREACH	18,000	18,000	-	0%	1,353	2,648
	TOTAL DIRECT EXPENSES		**134,015**	**134,015**	**-**	**0%**	**90,837**	**75,526**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	398,702	398,702	-	0%	354,285	385,634
	51299	BENEFITS EXPENSE	136,152	136,595	444	0%	128,514	124,540
	51900	OTHER INDIRECT EXPENSE	156,599	153,201	(3,398)	-2%	139,241	144,526
TOTAL INDIRECT EXPENSES:			**691,453**	**688,499**	**(2,954)**	**0%**	**622,039**	**654,700**
TOTAL ALL EXPENSES:			**825,468**	**822,514**	**(2,954)**	**0%**	**712,876**	**730,227**
NET INCOME (LOSS):			**(824,968)**	**(822,014)**	**2,954**	**0%**	**(708,755)**	**(725,851)**

COMMUNICATION STRATEGIES FTE

Cost Center	**FY24 FTE**	**1.00**
COMM FTE	**REFORECAST FTE**	**1.00**

Washington State Bar Association
Budget Comparison

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	171,146	171,146	-	0%	154,665	167,584
	51299	BENEFITS EXPENSE	48,124	47,372	(751)	-2%	41,050	43,078
	51900	OTHER INDIRECT EXPENSE	30,115	29,462	(653)	-2%	26,865	27,809
	TOTAL INDIRECT EXPENSES:		**249,385**	**247,980**	**(1,405)**	**-1%**	**222,579**	**238,471**
	NET INCOME (LOSS):		**(249,385)**	**(247,980)**	**1,405**	**-1%**	**(222,579)**	**(238,471)**

Washington State Bar Association
Budget Comparison

DISCIPLINE

Cost Center **FY24 FTE** **38.00**
DISC **REFORECAST FTE** **38.00**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**42450**	AUDIT REVENUE	1,000	1,000	-	0%	893	850
	40200	COPY FEES	-	-	-		36	-
	44350	RECOVERY OF DISCIPLINE COSTS	100,000	100,000	-	0%	85,405	51,272
	44450	DISCIPLINE HISTORY SUMMARY	18,000	18,000	-	0%	19,433	17,969
	TOTAL REVENUE		**119,000**	**119,000**	**-**	**0%**	**105,767**	**70,090**
DIRECT EXPENSES:	**50015**	DEPRECIATION	45,608	11,539	(34,069)	-75%	-	-
	50080	PUBLICATIONS PRODUCTION	300	300	-	0%	-	169
	50100	STAFF TRAVEL/PARKING	15,000	15,000	-	0%	13,222	7,278
	50110	STAFF CONFERENCE & TRAINING	34,627	34,627	-	0%	19,171	30,962
	50120	STAFF MEMBERSHIP DUES	7,365	7,365	-	0%	6,100	2,595
	50160	TELEPHONE	4,800	4,800	-	0%	2,721	3,543
	54310	COURT REPORTERS	60,000	60,000	-	0%	46,457	66,964
	54320	OUTSIDE COUNSEL EXPENSES	1,000	1,000	-	0%	-	-
	54360	LITIGATION EXPENSES	40,000	40,000	-	0%	13,258	29,343
	54370	DISABILITY EXPENSES	9,000	9,000	-	0%	3,500	2,734
	54400	TRANSLATION SERVICES	1,000	1,000	-	0%	512	345
	54380	ONLINE LEGAL RESEARCH	-	-	-		55,493	-
	54390	LAW LIBRARY	-	-	-		5,453	0
	TOTAL DIRECT EXPENSES		**218,700**	**184,630**	**(34,069)**	**-16%**	**165,886**	**143,935**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	3,795,327	3,795,327	(0)	0%	3,496,048	3,422,233
	51299	BENEFITS EXPENSE	1,155,682	1,130,160	(25,522)	-2%	1,090,771	1,068,399
	51900	OTHER INDIRECT EXPENSE	1,144,380	1,119,549	(24,831)	-2%	990,943	1,049,285
	TOTAL INDIRECT EXPENSES:		**6,095,389**	**6,045,036**	**(50,353)**	**-1%**	**5,577,763**	**5,539,918**
	TOTAL ALL EXPENSES:		**6,314,089**	**6,229,667**	**(84,422)**	**-1%**	**5,743,648**	**5,683,853**
	NET INCOME (LOSS):		**(6,195,089)**	**(6,110,667)**	**84,422**	**-1%**	**(5,637,881)**	**(5,613,762)**

Washington State Bar Association
Budget Comparison

DIVERSITY

Cost Center	**FY24 FTE**	**2.69**
DIV	**REFORECAST FTE**	**2.69**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40300**	DONATIONS & GRANTS	135,000	135,000	-	0%	135,000	135,000
	TOTAL REVENUE		**135,000**	**135,000**	**-**	**0%**	**135,000**	**135,000**
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	66,550	60,550	(6,000)	-9%	25,722	33,075
	50100	STAFF TRAVEL/PARKING	1,500	1,500	-	0%	541	907
	50110	STAFF CONFERENCE & TRAINING	2,000	2,000	-	0%	1,663	1,618
	50120	STAFF MEMBERSHIP DUES	550	550	-	0%	45	90
	50145	SURVEYS	11,500	17,500	6,000	52%	5,000	28,600
	52680	COMMITTEE FOR DIVERSITY	3,800	3,800	-	0%	1,093	2,890
	52681	DIVERSITY EVENTS & PROJECTS	31,800	31,800	-	0%	9,204	6,595
	TOTAL DIRECT EXPENSES		**117,700**	**117,700**	**-**	**0%**	**43,328**	**73,775**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	212,559	212,559	(0)	0%	155,618	112,299
	51299	BENEFITS EXPENSE	65,613	70,525	4,912	7%	52,631	40,951
	51900	OTHER INDIRECT EXPENSE	81,010	79,252	(1,758)	-2%	64,701	47,000
	TOTAL INDIRECT EXPENSES:		**359,183**	**362,337**	**3,154**	**1%**	**272,950**	**200,251**
TOTAL ALL EXPENSES:			**476,883**	**480,037**	**3,154**	**1%**	**316,278**	**274,026**
NET INCOME (LOSS):			**(341,883)**	**(345,037)**	**(3,154)**	**1%**	**(181,278)**	**(139,026)**

Washington State Bar Association
Budget Comparison

FINANCE

Cost Center	**FY24 FTE**	**6.92**
FIN	**REFORECAST FTE**	**6.92**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40500**	INTEREST - INVESTMENTS	400,000	650,000	250,000	63%	105,118	792,371
	TOTAL REVENUE		**400,000**	**650,000**	**250,000**	**63%**	**105,118**	**792,371**
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	-	-	-		-	875
	50100	STAFF TRAVEL/PARKING	1,500	1,500	-	0%	460	2,325
	50110	STAFF CONFERENCE & TRAINING	520	520	-	0%	-	-
	50120	STAFF MEMBERSHIP DUES	620	620	-	0%	-	685
	TOTAL DIRECT EXPENSES		**2,640**	**2,640**	**-**	**0%**	**460**	**3,885**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	714,291	714,291	0	0%	655,639	662,932
	51299	BENEFITS EXPENSE	213,253	232,902	19,649	9%	194,403	203,172
	51900	OTHER INDIRECT EXPENSE	208,398	203,876	(4,522)	-2%	186,525	192,702
	TOTAL INDIRECT EXPENSES:		**1,135,942**	**1,151,069**	**15,127**	**1%**	**1,036,567**	**1,058,805**
	TOTAL ALL EXPENSES:		**1,138,582**	**1,153,709**	**15,127**	**1%**	**1,037,027**	**1,062,690**
	NET INCOME (LOSS):		**(738,582)**	**(503,709)**	**234,873**	**-32%**	**(931,909)**	**(270,319)**

Washington State Bar Association
Budget Comparison

FOUNDATION

Cost Center **FOUND** | **FY24 FTE** 1.05 | **REFORECAST FTE** 1.05

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	3,000	3,000	-	0%	3,000	3,000
	50060	POSTAGE	350	350	-	0%	-	8
	50070	PRINTING & COPYING	700	700	-	0%	-	-
	50100	STAFF TRAVEL/PARKING	900	900	-	0%	337	516
	50110	STAFF CONFERENCE & TRAINING	2,300	2,300	-	0%	-	-
	50140	SUPPLIES	150	150	-	0%	75	24
	52940	BOARD OF TRUSTEES	3,250	3,250	-	0%	809	812
	TOTAL DIRECT EXPENSES		**10,650**	**10,650**	**-**	**0%**	**4,221**	**4,360**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	100,026	100,026	-	0%	81,103	95,797
	51299	BENEFITS EXPENSE	18,911	38,468	19,557	103%	15,473	17,180
	51900	OTHER INDIRECT EXPENSE	31,621	30,935	(686)	-2%	26,864	28,983
	TOTAL INDIRECT EXPENSES:		**150,558**	**169,428**	**18,871**	**13%**	**123,441**	**141,961**
	TOTAL ALL EXPENSES:		**161,208**	**180,078**	**18,871**	**12%**	**127,662**	**146,320**
	NET INCOME (LOSS):		**(161,208)**	**(180,078)**	**(18,871)**	**12%**	**(127,662)**	**(146,320)**

Washington State Bar Association
Budget Comparison

HUMAN RESOURCES

Cost Center	**FY24 FTE**	**4.00**
HR	**REFORECAST FTE**	**4.00**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	2,000	2,000	-	0%	14,285	-
	50100	STAFF TRAVEL/PARKING	700	700	-	0%	419	67
	50120	STAFF MEMBERSHIP DUES	1,000	1,000	-	0%	219	458
	50130	SUBSCRIPTIONS	1,000	1,000	-	0%	423	1,712
	54512	STAFF TRAINING- GENERAL	12,912	12,912	-	0%	3,826	4,199
	54520	RECRUITING AND ADVERTISING	8,000	8,000	-	0%	6,178	6,918
	54530	PAYROLL PROCESSING	50,000	50,000	-	0%	50,075	47,001
	54540	SALARY SURVEYS	1,500	1,500	-	0%	-	-
	54590	TRANSFER TO INDIRECT EXPENSE	(77,112)	(77,112)	-	0%	(75,425)	(60,354)
	TOTAL DIRECT EXPENSES		-	-	-		**0**	**(0)**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	454,865	608,465	153,600	34%	295,990	375,431
	51299	BENEFITS EXPENSE	94,928	98,842	3,914	4%	104,383	119,785
	51925	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-
	51900	OTHER INDIRECT EXPENSE	120,461	117,847	(2,614)	-2%	80,971	111,235
	TOTAL INDIRECT EXPENSES:		**470,254**	**625,154**	**154,900**	**33%**	**481,345**	**606,451**
TOTAL ALL EXPENSES:			**470,254**	**625,154**	**154,900**	**33%**	**481,345**	**606,451**
NET INCOME (LOSS):			**(470,254)**	**(625,154)**	**(154,900)**	**33%**	**(481,345)**	**(606,451)**

Washington State Bar Association
Budget Comparison

LAW CLERK PROGRAM

Cost Center	**FY24 FTE**	**1.23**
CLERK	**REFORECAST FTE**	**1.23**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**42275**	LAW CLERK FEES	204,000	204,000	-	0%	194,104	206,166
	42286	LAW CLERK APPLICATION FEES	3,200	3,200	-	0%	3,700	3,400
	TOTAL REVENUE		**207,200**	**207,200**	**-**	**0%**	**197,804**	**209,566**
DIRECT EXPENSES:	**50015**	DEPRECIATION	4,675	4,675	-	0%	-	-
	50100	STAFF TRAVEL/PARKING	500	500	-	0%	-	-
	50130	SUBSCRIPTIONS	250	250	-	0%	250	250
	52245	CHARACTER & FITNESS INVESTI	100	100	-	0%	-	-
	55555	SOFTWARE HOSTING	1,210	1,210	-	0%	-	-
	52255	LAW CLERK BOARD	8,000	8,000	-	0%	-	5,680
	52258	LAW CLERK OUTREACH	5,000	5,000	-	0%	-	-
	TOTAL DIRECT EXPENSES		**19,735**	**19,735**	**-**	**0%**	**250**	**5,930**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	100,677	100,677	-	0%	72,744	81,561
	51299	BENEFITS EXPENSE	26,676	31,257	4,581	17%	21,617	24,154
	51900	OTHER INDIRECT EXPENSE	37,042	36,238	(804)	-2%	24,972	27,025
	TOTAL INDIRECT EXPENSES:		**164,394**	**168,171**	**3,777**	**2%**	**119,334**	**132,740**
	TOTAL ALL EXPENSES:		**184,130**	**187,907**	**3,777**	**2%**	**119,584**	**138,670**
	NET INCOME (LOSS):		**23,070**	**19,293**	**(3,777)**	**-16%**	**78,220**	**70,896**

Washington State Bar Association
Budget Comparison

LEGISLATIVE

Cost Center **FY24 FTE** **1.70**
LEG **REFORECAST FTE** **1.70**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**		**-**	**-**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	2,500	2,500	-	0%	188	124
	50110	STAFF CONFERENCE & TRAINING	2,500	2,500	-	0%	-	1,842
	50120	STAFF MEMBERSHIP DUES	450	450	-	0%	130	-
	50130	SUBSCRIPTIONS	2,000	2,000	-	0%	1,985	1,985
	50160	TELEPHONE	485	485	-	0%	-	574
	52660	JUD RECOMMEND COMMITTEE	2,250	2,250	-	0%	-	-
	54910	RENT - OLYMPIA OFFICE	1,500	1,500	-	0%	-	-
	54920	CONTRACT LOBBYIST	12,500	12,500	-	0%	10,000	12,500
	54940	LEGISLATIVE COMMITTEE	1,250	1,250	-	0%	9	-
	54970	BOG LEGISLATIVE COMMITTEE	300	300	-	0%	-	-
	TOTAL DIRECT EXPENSES		**25,735**	**25,735**	**-**	**0%**	**12,311**	**17,024**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	152,783	152,783	-	0%	115,007	144,081
	51299	BENEFITS EXPENSE	51,586	52,771	1,185	2%	52,819	41,553
	51900	OTHER INDIRECT EXPENSE	51,196	50,085	(1,111)	-2%	45,783	47,000
	TOTAL INDIRECT EXPENSES:		**255,565**	**255,640**	**74**	**0%**	**213,608**	**232,634**
	TOTAL ALL EXPENSES:		**281,300**	**281,375**	**74**	**0%**	**225,920**	**249,658**
	NET INCOME (LOSS):		**(281,300)**	**(281,375)**	**(74)**	**0%**	**(225,920)**	**(249,658)**

Washington State Bar Association
Budget Comparison

LEGAL LUNCHBOX

Cost Center	**FY24 FTE**	**0.43**
LLB	**REFORECAST FTE**	**0.43**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41450**	SPONSORSHIPS	9,000	9,000	-	0%	9,000	9,000
	43400	DIGITAL VIDEO SALES	20,000	20,000	-	0%	30,233	25,088
	43350	MP3 SALES	-	-	-		7,056	-
	TOTAL REVENUE		**29,000**	**29,000**	**-**	**0%**	**46,289**	**34,088**
DIRECT EXPENSES:	**52240**	DISABILITY ACCOMMODATIONS	2,000	2,000	-	0%	-	-
	53700	SPEAKERS & PROGRAM DEVELOP	100	100	-	0%	-	-
	53730	HONORARIUM	1,500	1,500	-	0%	-	-
	55555	ON24 OVERAGE CHARGE	4,500	4,500	-	0%	-	-
	55555	INSURANCE REBATE	(425)	(425)	-	0%	-	-
	TOTAL DIRECT EXPENSES		**7,675**	**7,675**	**-**	**0%**	**-**	**-**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	28,998	28,998	-	0%	23,122	27,490
	51299	BENEFITS EXPENSE	6,134	10,648	4,514	74%	10,257	8,946
	51900	OTHER INDIRECT EXPENSE	12,950	12,669	(281)	-2%	11,363	11,750
	55555	INSURANCE REBATE	(4,060)	(4,060)	-	0%	-	-
	TOTAL INDIRECT EXPENSES:		**44,021**	**48,255**	**4,233**	**10%**	**44,742**	**48,187**
	TOTAL ALL EXPENSES:		**51,696**	**55,930**	**4,233**	**8%**	**44,742**	**48,187**
	NET INCOME (LOSS):		**(22,696)**	**(26,930)**	**(4,233)**	**19%**	**1,547**	**(14,099)**

Washington State Bar Association
Budget Comparison

LICENSING & MEMBERSHIP RECORDS

Cost Center **FY24 FTE** **3.83**
LICMR **REFORECAST FTE** **3.83**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41100**	STATUS CERTIFICATE FEES	27,000	27,000	-	0%	29,548	27,775
	42288	INVESTIGATION FEES	20,000	20,000	-	0%	22,300	25,000
	42290	PRO HAC VICE	400,000	400,000	-	0%	400,282	375,560
	45040	MEMBER CONTACT INFORMATION	3,700	3,700	-	0%	3,325	3,586
	45060	PHOTO BAR CARD SALES	200	200	-	0%	240	240
	TOTAL REVENUE		**450,900**	**450,900**	**-**	**0%**	**455,695**	**432,161**
	50015	DEPRECIATION	-	-	-		-	-
DIRECT EXPENSES:	**50060**	POSTAGE	17,652	17,652	-	0%	24,352	18,061
	50140	SUPPLIES	-	-			-	1,929
	55555	SOFTWARE HOSTING	15,125	15,125	-			
	55010	LICENSING FORMS	-	-	-		915	2,401
	TOTAL DIRECT EXPENSES		**32,777**	**32,777**	**-**	**0%**	**25,267**	**26,391**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	401,688	401,688	-	0%	365,027	389,572
	51299	BENEFITS EXPENSE	135,989	137,867	1,878	1%	118,663	122,485
	51900	OTHER INDIRECT EXPENSE	115,341	112,839	(2,503)	-2%	103,296	106,143
TOTAL INDIRECT EXPENSES:			**653,019**	**652,394**	**(625)**	**0%**	**586,985**	**618,199**
TOTAL ALL EXPENSES:			**685,796**	**685,171**	**(625)**	**0%**	**612,252**	**644,591**
NET INCOME (LOSS):			**(234,896)**	**(234,271)**	**625**	**0%**	**(156,557)**	**(212,430)**

Washington State Bar Association
Budget Comparison

LICENSE FEES
Cost Center
LIC

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40600**	LICENSE FEES	16,692,574	16,692,574	-	0%	16,052,304	16,191,504
	40625	LICENSE FEES - NEW ADMITTEES	417,925	417,925	-	0%	502,089	394,252
	40650	LICENSE FEES - LATE FEES	200,000	200,000	-	0%	288,180	269,748
	40675	LICENSE FEES - REINSTATEMENTS	10,000	10,000	-	0%	15,314	15,762
	TOTAL REVENUE		**17,320,499**	**17,320,499**	**-**	**0%**	**16,857,886**	**16,871,265**
	NET INCOME (LOSS):		**17,320,499**	**17,320,499**	**-**	**0%**	**16,857,886**	**16,871,265**

Washington State Bar Association
Budget Comparison

LIMITED LICENSE LEGAL TECHNICIAN PROGRAM

Cost Center	**FY24 FTE**	**0.53**
LLLT	**REFORECAST FTE**	**0.53**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41800**	SEMINAR REGISTRATIONS	2,000	2,000	-	0%	-	6,175
	42281	LLLT LICENSE FEES	18,562	18,562	-	0%	13,542	13,908
	42291	LLLT LATE LICENSE FEES	-	-	-		99	133
	45220	MCLE LATE FEES	150	150			-	-
	TOTAL REVENUE		**20,712**	**20,712**	**-**	**0%**	**19,041**	**20,316**
DIRECT EXPENSES:	**52683**	LLLT BOARD	14,240	14,240	-	0%	5,333	4,882
	TOTAL DIRECT EXPENSES		**14,240**	**14,240**	**-**	**0%**	**14,333**	**4,882**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	51,460	51,460	-	0%	44,015	50,117
	51299	BENEFITS EXPENSE	10,179	14,055	3,877	38%	14,235	16,231
	51900	OTHER INDIRECT EXPENSE	15,961	15,615	(346)	-2%	12,865	14,883
	TOTAL INDIRECT EXPENSES:		**77,600**	**81,130**	**3,530**	**5%**	**71,114**	**81,232**
	TOTAL ALL EXPENSES:		**91,840**	**95,370**	**3,530**	**4%**	**85,447**	**86,115**
	NET INCOME (LOSS):		**(71,128)**	**(74,658)**	**(3,530)**	**5%**	**(66,406)**	**(65,798)**

Washington State Bar Association
Budget Comparison

LIMITED PRACTICE OFFICERS

Cost Center	**FY24 FTE**	**0.78**
LPO	**REFORECAST FTE**	**0.78**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**42288**	INVESTIGATION FEES	200	200	-	0%	500	1,000
	45110	LPO EXAMINATION FEES	22,000	22,000	-	0%	32,350	24,000
	45115	LPO Exam Late Fee	3,300	3,300	-	0%	4,600	4,100
	45120	LPO LICENSE FEES	170,000	170,000	-	0%	170,168	161,134
	45125	LPO LATE LICENSE FEES	2,500	2,500	-	0%	2,820	2,220
	45140	LPO LICENSE FEES - REINSTATES	-	-	-		230	-
	45220	MCLE LATE FEES	4,000	4,000	-	0%	8,700	4,350
	TOTAL REVENUE		**202,000**	**202,000**	**-**	**0%**	**219,368**	**196,804**
DIRECT EXPENSES:	**50050**	EQUIPMENT, HARDWARE & SOFTWAI	1,000	1,000	-	0%	-	-
	50070	PRINTING & COPYING	200	200	-	0%	123	82
	50140	SUPPLIES	100	100	-	0%	72	244
	52210	FACILITY, PARKING, FOOD	6,300	6,300	-	0%	4,568	4,035
	52688	EXAM WRITING	9,000	9,000	-	0%	7,663	8,400
	55130	LPO BOARD EXPENSES	4,000	4,000	-	0%	-	2,301
	55165	LPO OUTREACH	1,000	1,000	-	0%	-	-
	55555	SOFTWARE HOSTING	3,025	3,025	-	0%	-	-
	54380	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
	54390	LAW LIBRARY	-	-	-		3,368	-
	TOTAL DIRECT EXPENSES		**24,625**	**24,625**	**-**	**0%**	**17,702**	**15,061**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	69,420	69,420	-	0%	59,420	58,981
	51299	BENEFITS EXPENSE	14,447	19,678	5,232	36%	19,766	19,201
	51900	OTHER INDIRECT EXPENSE	23,490	22,980	(510)	-2%	19,675	18,800
	TOTAL INDIRECT EXPENSES:		**107,357**	**112,079**	**4,722**	**4%**	**98,861**	**96,982**
	TOTAL ALL EXPENSES:		**131,982**	**136,704**	**4,722**	**4%**	**116,563**	**112,043**
	NET INCOME (LOSS):		**70,018**	**65,296**	**(4,722)**	**-7%**	**102,805**	**84,761**

Washington State Bar Association
Budget Comparison

MANDATORY CONTINUING LEGAL EDUCATION

Cost Center **FY24 FTE** **5.88**
MCLE **REFORECAST FTE** **5.88**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**45210**	ACTIVITY APPLICATION FEE	550,000	550,000	-	0%	615,700	671,300
	45215	ACTIVITY APPLICATION FEE	220,000	220,000	-	0%	226,200	252,000
	45220	MCLE LATE FEES	190,000	190,000	-	0%	422,350	231,800
	45230	ANNUAL ACCREDITED SPONSOR FEES	36,000	36,000	-	0%	34,500	39,000
	45250	ATTENDANCE LATE FEES	90,000	90,000	-	0%	119,450	126,650
	45255	COMITY CERTIFICATES - REQUEST	13,800	13,800	-	0%	16,825	12,900
	45260	COMITY CERTIFICATES - SUBMIT	14,000	14,000	-	0%	29,325	17,450
	TOTAL REVENUE		**1,113,800**	**1,113,800**	**-**	**0%**	**1,464,350**	**1,351,100**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	50	50	-	0%	-	-
	50110	STAFF CONFERENCE & TRAINING	4,000	4,000	-	0%	100	250
	50120	STAFF MEMBERSHIP DUES	500	500	-	0%	500	500
	55210	MCLE BOARD EXPENSES	5,000	5,000	-	0%	-	-
	55220	DEPRECIATION-SOFTWARE	130,449	130,449	-	0%	24,455	6,443
	54380	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
	54390	LAW LIBRARY	-	-	-		138	-
	TOTAL DIRECT EXPENSES		**139,999**	**139,999**	**-**	**0%**	**27,102**	**7,193**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	454,500	454,500	-	0%	409,522	463,367
	51299	BENEFITS EXPENSE	144,327	155,895	11,568	8%	118,014	123,411
	51900	OTHER INDIRECT EXPENSE	177,078	173,235	(3,842)	-2%	131,306	135,518
	TOTAL INDIRECT EXPENSES:		**775,905**	**783,630**	**7,725**	**1%**	**658,842**	**722,296**
	TOTAL ALL EXPENSES:		**915,904**	**923,629**	**7,725**	**1%**	**685,944**	**729,490**
	NET INCOME (LOSS):		**197,896**	**190,171**	**(7,725)**	**-4%**	**778,406**	**621,610**

Washington State Bar Association
Budget Comparison

MEMBER WELLNESS PROGRAM

Cost Center	**FY24 FTE**	**1.48**
MWP	**REFORECAST FTE**	**1.48**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40205**	DIVERSION	7,500	7,500	-	0%	9,375	7,750
	TOTAL REVENUE		**7,500**	**7,500**	**-**	**0%**	**9,375**	**7,750**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	400	400	-	0%	-	-
	50110	STAFF CONFERENCE & TRAINING	312	312	-	0%	165	401
	50120	STAFF MEMBERSHIP DUES	700	700	-	0%	226	226
	50130	SUBSCRIPTIONS	1,200	1,200	-	0%	1,100	1,385
	54760	PROF LIAB INSURANCE	-	-	-		825	-
	54514	WSBA CONNECTS	-	-	-		8,110	-
	54715	MEMBER WELLNESS COUNCIL	1,000	1,000	-	0%	-	-
	TOTAL DIRECT EXPENSES		**3,612**	**3,612**	**-**	**0%**	**10,426**	**2,012**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	133,585	133,585	-	0%	84,689	117,922
	51299	BENEFITS EXPENSE	52,139	59,693	7,554	14%	51,826	53,861
	51900	OTHER INDIRECT EXPENSE	44,571	43,603	(967)	-2%	39,729	41,125
	TOTAL INDIRECT EXPENSES:		**230,294**	**236,881**	**6,587**	**3%**	**176,244**	**212,909**
TOTAL ALL EXPENSES:			**233,906**	**240,493**	**6,587**	**3%**	**186,670**	**214,921**
NET INCOME (LOSS):			**(226,406)**	**(232,993)**	**(6,587)**	**3%**	**(177,295)**	**(207,171)**

Washington State Bar Association
Budget Comparison

MEMBER SERVICES & ENGAGEMENT

Cost Center **FY24 FTE** **2.45**
MSE **REFORECAST FTE** **2.45**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40900**	ROYALTIES	10,800	10,800	-	0%	13,200	14,400
	TOTAL REVENUE		**10,800**	**10,800**	**-**	**0%**	**13,200**	**14,400**
DIRECT EXPENSES:	**50070**	PRINTING & COPYING	1,300	1,300	-	0%	-	2,740
	50085	YLL SECTION PROGRAM	1,500	1,500	-	0%	550	705
	50095	CLE COMPS	1,000	1,000	-	0%	159	-
	50100	STAFF TRAVEL/PARKING	2,500	2,500	-	0%	206	1,377
	50110	STAFF CONFERENCE & TRAINING	250	250	-	0%	-	164
	50120	STAFF MEMBERSHIP DUES	845	845	-	0%	649	300
	54610	LIBRARY MATERIALS/RESOURCES	4,000	4,000	-	0%	1,712	1,158
	55266	NEW LAWYER OUTREACH EVENTS	1,500	1,500	-	0%	891	250
	55270	NEW LAWYERS COMMITTEE	13,500	13,500	-	0%	2,003	5,094
	55555	MEMBER ENGAGEMENT COUNCIL	1,000	1,000	-	0%	-	-
	55555	SMALL TOWN AND RURAL COMMITTEE OUTREACH AND ACTIVITIES	55,000	55,000	-	0%	-	-
	55980	SMALL TOWN AND RURAL COMMITTEE	5,000	5,000	-	0%	-	2,659
	58450	RECEPTION/FORUM EXPENSE	1,000	1,000	-	0%	95	108
	58500	NEW LAWYER OUTREACH	1,000	1,000	-	0%	-	-
	58525	SCHOLARSHIPS/DONATIONS/GRANT	5,000	5,000	-	0%	-	1,385
	TOTAL DIRECT EXPENSES		**94,395**	**94,395**	**-**	**0%**	**6,265**	**15,940**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	167,808	167,808	-	0%	232,972	163,817
	51299	BENEFITS EXPENSE	54,786	57,800	3,015	6%	76,065	58,383
	51900	OTHER INDIRECT EXPENSE	73,782	72,181	(1,601)	-2%	93,079	69,717
	TOTAL INDIRECT EXPENSES:		**296,376**	**297,790**	**1,414**	**0%**	**402,117**	**291,918**
	TOTAL ALL EXPENSES:		**390,771**	**392,185**	**1,414**	**0%**	**408,382**	**307,858**
	NET INCOME (LOSS):		**(379,971)**	**(381,385)**	**(1,414)**	**0%**	**(395,182)**	**(293,458)**

Washington State Bar Association
Budget Comparison

MINI CLE

Cost Center	**FY24 FTE**	**0.92**	**FY2024 Budget V6**	**FY2024 Reforecast**	**V6 vs Reforecast Comparison**	**% Change**	**FY2022 Actuals YTD**	**FY2023 Actuals YTD**
MINI	**REFORECAST FTE**	**0.92**						
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	66,852	66,852	(0)	0%	52,466	64,552
	51299	BENEFITS EXPENSE	15,791	22,372	6,581	42%	22,322	20,130
	51900	OTHER INDIRECT EXPENSE	27,706	27,105	(601)	-2%	24,594	25,459
	TOTAL INDIRECT EXPENSES:		**110,349**	**116,330**	**5,980**	**5%**	**99,382**	**110,140**
	NET INCOME (LOSS):		**(110,349)**	**(116,330)**	**(5,980)**	**5%**	**(99,382)**	**(110,140)**

Washington State Bar Association
Budget Comparison

NEW MEMBER EDUCATION

Cost Center	**FY24 FTE**	**0.84**
NME	**REFORECAST FTE**	**0.84**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40950**	NMP PRODUCT SALES	40,000	40,000	-	0%	39,844	35,823
	41800	SEMINAR REGISTRATIONS	15,000	15,000	-	0%	-	62,221
	47100	TRIAL ADVOCACY PROGRAM	12,000	12,000	-	0%	6,071	15,779
	TOTAL REVENUE		**67,000**	**67,000**	**-**	**0%**	**45,915**	**113,823**
DIRECT EXPENSES:	**55265**	SPEAKERS & PROGRAM DEVELOPMENT	250	250	-	0%	-	-
	57320	TRIAL ADVOCACY EXPENSES	1,500	1,500	-	0%	-	1,406
	TOTAL DIRECT EXPENSES		**1,750**	**1,750**	**-**	**0%**	**-**	**1,406**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	59,225	59,225	0	0%	46,244	53,450
	51299	BENEFITS EXPENSE	12,866	22,105	9,239	72%	18,340	16,284
	51900	OTHER INDIRECT EXPENSE	25,297	24,748	(549)	-2%	21,189	21,542
	TOTAL INDIRECT EXPENSES:		**97,387**	**106,078**	**8,691**	**9%**	**85,773**	**91,277**
	TOTAL ALL EXPENSES:		**99,137**	**107,828**	**8,691**	**9%**	**85,773**	**92,683**
	NET INCOME (LOSS):		**(32,137)**	**(40,828)**	**(8,691)**	**27%**	**(39,858)**	**21,141**

Washington State Bar Association
Budget Comparison

OFFICE OF GENERAL COUNSEL

Cost Center	**FY24 FTE**	**6.07**
OGC	**REFORECAST FTE**	**6.07**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40210**	RECORDS REQUEST FEES	-	-	-		1,126	9
	TOTAL REVENUE		**-**	**-**	**-**		**1,126**	**9**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	-	-	-		262	28
	50110	STAFF CONFERENCE & TRAINING	6,656	6,656	-	0%	1,687	4,204
	50120	STAFF MEMBERSHIP DUES	2,868	2,868	-	0%	254	950
	50135	TRANSCRIPTION SERVICES	2,100	2,100	-	0%	-	-
	52240	DISABILITY ACCOMMODATIONS	6,000	6,000	-	0%	455	488
	54360	LITIGATION EXPENSES	200	200	-	0%	146	-
	55419	COURT RULES COMMITTEE	1,000	1,000	-	0%	0	-
	55615	WILLS	2,000	2,000	-	0%	-	-
	55620	CUSTODIANSHIP	5,000	5,000	-	0%	245	259
	TOTAL DIRECT EXPENSES		**25,824**	**25,824**	**-**	**0%**	**16,377**	**6,108**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	675,398	682,914	7,516	1%	610,191	559,905
	51299	BENEFITS EXPENSE	194,029	221,400	27,370	14%	184,318	187,146
	51900	OTHER INDIRECT EXPENSE	182,800	178,833	(3,966)	-2%	164,213	172,335
TOTAL INDIRECT EXPENSES:			**1,052,227**	**1,083,147**	**30,920**	**3%**	**958,722**	**919,386**
TOTAL ALL EXPENSES:			**1,078,051**	**1,108,971**	**30,920**	**3%**	**975,098**	**925,494**
NET INCOME (LOSS):			**(1,078,051)**	**(1,108,971)**	**(30,920)**	**3%**	**(973,973)**	**(925,485)**

Washington State Bar Association
Budget Comparison

OFFICE OF THE EXECUTIVE DIRECTOR

Cost Center	FY24 FTE	2.90
OED	REFORECAST FTE	2.90

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	4,450	4,450	-	0%	628	2,016
	50110	STAFF CONFERENCE & TRAINING	9,282	9,282	-	0%	4,564	11,475
	50120	STAFF MEMBERSHIP DUES	1,890	1,890	-	0%	1,346	1,575
	54390	LAW LIBRARY	-	-	-		138	-
	50145	SURVEYS	-	-	-		331	681
	52125	LEADERSHIP TRAINING	15,000	15,000	-	0%	-	6,328
	52585	WASHINGTON LEADERSHIP INSTITUTE	80,000	80,000	-	0%	44,764	79,486
	52590	BAR LEADERS CONFERENCE	-	-	-		-	8,497
	52840	ED TRAVEL & OUTREACH	4,000	4,000	-	0%	1,529	1,640
	TOTAL DIRECT EXPENSES		**114,622**	**114,622**	**-**	**0%**	**53,301**	**111,697**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	491,121	491,121	-	0%	314,330	394,729
	51299	BENEFITS EXPENSE	124,183	126,289	2,106	2%	89,784	102,512
	51900	OTHER INDIRECT EXPENSE	87,334	85,439	(1,895)	-2%	54,095	55,617
	TOTAL INDIRECT EXPENSES:		**702,639**	**702,850**	**211**	**0%**	**458,209**	**552,858**
	TOTAL ALL EXPENSES:		**817,261**	**817,472**	**211**	**0%**	**511,510**	**664,556**
	NET INCOME (LOSS):		**(817,261)**	**(817,472)**	**(211)**	**0%**	**(511,510)**	**(664,556)**

Washington State Bar Association
Budget Comparison

OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD

Cost Center **FY24 FTE** **1.40**
OGCDB **REFORECAST FTE** **1.40**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50120**	STAFF MEMBERSHIP DUES	100	100	-	0%	-	100
	54310	COURT REPORTERS	500	500	-	0%	572	32
	55310	DISCIPLINARY BOARD EXPENSES	4,000	4,000	-	0%	1	-
	55320	CHIEF HEARING OFFICER	40,000	40,000	-	0%	30,000	30,000
	55330	HEARING OFFICER EXPENSES	4,000	4,000	-	0%	2,763	891
	55340	HEARING OFFICER TRAINING	400	400	-	0%	-	-
	55370	OUTSIDE COUNSEL	48,000	48,000	-	0%	48,000	48,000
	55380	DISCIPLINARY SELECTION PANEL	1,000	1,000	-	0%	-	-
	54390	LAW LIBRARY	-	-	-		836	-
	TOTAL DIRECT EXPENSES		**98,000**	**98,000**	**-**	**0%**	**82,171**	**79,023**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	136,708	129,192	(7,516)	-5%	109,680	135,115
	51299	BENEFITS EXPENSE	38,872	34,681	(4,190)	-11%	31,616	38,779
	51900	OTHER INDIRECT EXPENSE	42,161	41,247	(915)	-2%	35,189	38,775
	TOTAL INDIRECT EXPENSES:		**217,741**	**205,120**	**(12,621)**	**-6%**	**176,484**	**212,669**
TOTAL ALL EXPENSES:			**315,741**	**303,120**	**(12,621)**	**-4%**	**258,656**	**291,692**
NET INCOME (LOSS):			**(315,741)**	**(303,120)**	**12,621**	**-4%**	**(258,656)**	**(291,692)**

Washington State Bar Association
Budget Comparison

PRACTICE OF LAW BOARD

Cost Center	**FY24 FTE**	**0.55**
PLB	**REFORECAST FTE**	**0.55**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	**55510**	PRACTICE OF LAW BOARD	12,000	12,000	-	0%	-	2,426
	TOTAL DIRECT EXPENSES		**12,000**	**12,000**	**-**	**0%**	**-**	**2,436**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	47,419	47,419	-	0%	45,270	35,733
	51299	BENEFITS EXPENSE	12,578	21,236	8,659	69%	12,250	12,331
	51900	OTHER INDIRECT EXPENSE	16,563	16,204	(359)	-2%	12,865	12,925
	TOTAL INDIRECT EXPENSES:		**76,560**	**84,860**	**8,299**	**11%**	**70,384**	**60,990**
	TOTAL ALL EXPENSES:		**88,560**	**96,860**	**8,299**	**9%**	**70,384**	**63,426**
	NET INCOME (LOSS):		**(88,560)**	**(96,860)**	**(8,299)**	**9%**	**(70,384)**	**(63,426)**

Washington State Bar Association
Budget Comparison

PRACTICE MANAGEMENT ASSISTANCE

Cost Center	**FY24 FTE**	**0.95**
PMA	**REFORECAST FTE**	**0.95**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40900**	ROYALTIES	62,000	62,000	-	0%	62,097	69,465
	TOTAL REVENUE		**62,000**	**62,000**	**-**	**0%**	**62,097**	**69,465**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	350	350	-	0%	-	-
	50110	STAFF CONFERENCE & TRAINING	260	260	-	0%	-	500
	50120	STAFF MEMBERSHIP DUES	150	150	-	0%	-	150
	50130	SUBSCRIPTIONS	-	-	-		132	-
	55250	CASEMAKER/FASTCASE	75,000	75,000	-	0%	75,064	80,723
	TOTAL DIRECT EXPENSES		**75,760**	**75,760**	**-**	**0%**	**75,196**	**81,373**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	83,329	83,329	-	0%	-	79,636
	51299	BENEFITS EXPENSE	25,600	25,645	46	0%	-	22,462
	51900	OTHER INDIRECT EXPENSE	28,609	27,989	(621)	-2%	-	26,242
	TOTAL INDIRECT EXPENSES:		**137,538**	**136,963**	**(575)**	**0%**	**-**	**128,339**
TOTAL ALL EXPENSES:			**213,298**	**212,723**	**(575)**	**0%**	**75,196**	**209,712**
NET INCOME (LOSS):			**(151,298)**	**(150,723)**	**575**	**0%**	**(13,099)**	**(140,247)**

Washington State Bar Association
Budget Comparison

PROFESSIONAL RESPONSIBILITY PROGRAM

Cost Center	**FY24 FTE**	**1.10**
PRP	**REFORECAST FTE**	**1.10**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	1,500	1,500	-	0%	211	1,075
	50120	STAFF MEMBERSHIP DUES	500	500	-	0%	-	500
	55610	CPE COMMITTEE	1,000	1,000	-	0%	-	890
	54390	LAW LIBRARY	-	-	-		559	-
	TOTAL DIRECT EXPENSES		**3,000**	**3,000**	**-**	**0%**	**770**	**2,465**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	138,408	138,408	-	0%	155,587	135,819
	51299	BENEFITS EXPENSE	65,055	63,587	(1,469)	-2%	59,507	56,405
	51900	OTHER INDIRECT EXPENSE	33,127	32,408	(719)	-2%	43,123	30,550
	TOTAL INDIRECT EXPENSES:		**236,590**	**234,403**	**(2,188)**	**-1%**	**258,216**	**222,775**
	TOTAL ALL EXPENSES:		**239,590**	**237,403**	**(2,188)**	**-1%**	**258,987**	**225,240**
	NET INCOME (LOSS):		**(239,590)**	**(237,403)**	**2,188**	**-1%**	**(258,987)**	**(225,240)**

Washington State Bar Association
Budget Comparison

PUBLIC SERVICE PROGRAMS

Cost Center **FY24 FTE** **1.62**
PSP **REFORECAST FTE** **1.62**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40300**	DONATIONS & GRANTS	130,000	130,000	-	0%	130,000	130,000
	TOTAL REVENUE		**130,000**	**130,000**	**-**	**0%**	**130,000**	**130,000**
DIRECT EXPENSES:	**50037**	DONATIONS/SPONSORSHIPS/GRANTS	292,309	292,309	-	0%	248,960	259,328
	50100	STAFF TRAVEL/PARKING	500	500	-	0%	188	163
	50110	STAFF CONFERENCE & TRAINING	-	-	-		-	30
	50145	SURVEYS	100	100	-	0%	-	100
	52110	PRO BONO & LEGAL AID COMMITTEE	2,500	2,500	-	0%	126	1,339
	54130	PRO BONO CERTIFICATES	2,000	2,000	-	0%	1,655	905
	TOTAL DIRECT EXPENSES		**297,409**	**297,409**	**-**	**0%**	**250,929**	**261,866**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	128,379	128,379	-	0%	79,567	109,027
	51299	BENEFITS EXPENSE	53,314	43,223	(10,091)	-19%	32,783	39,268
	51900	OTHER INDIRECT EXPENSE	48,787	47,728	(1,059)	-2%	35,189	45,042
	TOTAL INDIRECT EXPENSES:		**230,480**	**219,330**	**(11,150)**	**-5%**	**147,539**	**193,337**
	TOTAL ALL EXPENSES:		**527,889**	**516,739**	**(11,150)**	**-2%**	**398,468**	**455,203**
NET INCOME (LOSS):			**(397,889)**	**(386,739)**	**11,150**	**-3%**	**(268,468)**	**(325,203)**

Washington State Bar Association
Budget Comparison

PUBLICATION & DESIGN SERVICES

Cost Center	**FY24 FTE**	**0.89**
PUB	**REFORECAST FTE**	**0.89**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50110**	STAFF CONFERENCE & TRAINING	-	-	-		-	-
	50130	SUBSCRIPTIONS	200	200	-	0%	100	532
	54026	IMAGE LIBRARY	4,100	4,100	-	0%	4,100	4,100
	TOTAL DIRECT EXPENSES		**4,300**	**4,300**	**-**	**0%**	**4,200**	**4,632**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	72,960	72,960	-	0%	64,015	72,137
	51299	BENEFITS EXPENSE	19,323	23,139	3,817	20%	18,840	18,259
	51900	OTHER INDIRECT EXPENSE	26,803	26,221	(582)	-2%	23,837	24,675
	TOTAL INDIRECT EXPENSES:		**119,085**	**122,320**	**3,235**	**3%**	**106,692**	**115,072**
	TOTAL ALL EXPENSES:		**123,385**	**126,620**	**3,235**	**3%**	**110,892**	**119,704**
	NET INCOME (LOSS):		**(123,385)**	**(126,620)**	**(3,235)**	**3%**	**(110,892)**	**(119,704)**

REGULATORY SERVICES FTE

Cost Center **FY24 FTE** **2.60**
RSD FTE **REFORECAST FTE** **2.60**

Washington State Bar Association
Budget Comparison

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
	50100	STAFF TRAVEL/PARKING	650	650	-	0%	-	210
DIRECT EXPENSES:	**50110**	STAFF CONFERENCE & TRAINING	19,500	19,500	-	0%	-	4,946
	50120	STAFF MEMBERSHIP DUES	-	350	350		-	-
	TOTAL DIRECT EXPENSES		**20,150**	**20,500**	**350**	**2%**	**-**	**5,156**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	357,120	357,120	(0)	0%	318,261	344,317
	51299	BENEFITS EXPENSE	85,375	105,529	20,154	24%	100,039	102,423
	51900	OTHER INDIRECT EXPENSE	78,300	76,601	(1,699)	-2%	74,918	74,809
	TOTAL INDIRECT EXPENSES:		**520,795**	**539,250**	**18,455**	**4%**	**493,218**	**521,548**
	TOTAL ALL EXPENSES:		**540,945**	**559,750**	**18,805**	**3%**	**493,218**	**526,704**
	NET INCOME (LOSS):		**(540,945)**	**(559,750)**	**(18,805)**	**3%**	**(493,218)**	**(526,704)**

SECTIONS ADMINISTRATION

Cost Center **FY24 FTE** **2.58**
SECT **REFORECAST FTE** **2.58**

Washington State Bar Association
Budget Comparison

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**48010**	REIMBURSEMENTS FROM SECTIONS	297,786	297,786	-	0%	273,426	268,147
	TOTAL REVENUE		**297,786**	**297,786**	**-**	**0%**	**273,426**	**268,147**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	1,000	1,000	-	0%	209	14
	50110	STAFF CONFERENCE & TRAINING	500	500	-	0%	-	65
	50120	STAFF MEMBERSHIP DUES	200	200	-	0%	-	45
	50130	SUBSCRIPTIONS	350	350	-	0%	331	331
	52540	SECTION/COMMITTEE CHAIR MTGS	1,000	1,000	-	0%	-	456
	58010	DUES STATEMENTS	-	-	-		4,593	-
	TOTAL DIRECT EXPENSES		**3,050**	**3,050**	**-**	**0%**	**5,133**	**911**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	159,053	159,053	-	0%	137,704	150,603
	51299	BENEFITS EXPENSE	60,688	65,223	4,535	7%	58,748	59,711
	51900	OTHER INDIRECT EXPENSE	77,697	76,011	(1,686)	-2%	69,620	71,676
	TOTAL INDIRECT EXPENSES:		**297,439**	**300,288**	**2,849**	**1%**	**266,072**	**281,990**
TOTAL ALL EXPENSES:			**300,489**	**303,338**	**2,849**	**1%**	**271,205**	**282,901**
NET INCOME (LOSS):			**(2,703)**	**(5,552)**	**(2,849)**	**105%**	**2,221**	**(14,754)**

SERVICE CENTER

Cost Center **FY24 FTE** **5.78**
SC **REFORECAST FTE** **5.78**

Washington State Bar Association
Budget Comparison

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**	**-**	**-**	**-**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	2,376	2,376	-	0%	-	2,376
	50110	STAFF CONFERENCE & TRAINING	2,184	2,184	-	0%	46	1,546
	54400	TRANSLATION SERVICES	-	-	-		6,790	4,649
	TOTAL DIRECT EXPENSES		**4,560**	**4,560**	**-**	**0%**	**7,016**	**8,571**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	394,527	394,527	-	0%	359,931	386,082
	51299	BENEFITS EXPENSE	160,465	160,136	(329)	0%	135,002	140,860
	51900	OTHER INDIRECT EXPENSE	174,066	170,289	(3,777)	-2%	153,997	158,626
	TOTAL INDIRECT EXPENSES:		**729,058**	**724,952**	**(4,106)**	**-1%**	**648,930**	**685,568**
	TOTAL ALL EXPENSES:		**733,618**	**729,512**	**(4,106)**	**-1%**	**655,946**	**694,139**
	NET INCOME (LOSS):		**(733,618)**	**(729,512)**	**4,106**	**-1%**	**(655,946)**	**(694,139)**

Washington State Bar Association
Budget Comparison

TECHNOLOGY

Cost Center **TECH**

FY24 FTE **13.00**
REFORECAST FTE **13.00**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		-	-	-		-	-
DIRECT EXPENSES:	**50033**	CONSULTING SERVICES	115,000	165,000	50,000	43%	66,944	98,906
	50100	STAFF TRAVEL/PARKING	1,000	1,000	-	0%	2,077	763
	50110	STAFF CONFERENCE & TRAINING	8,000	6,000	(2,000)	-25%	-	184
	50120	STAFF MEMBERSHIP DUES	200	200	-	0%	-	-
	50160	TELEPHONE	95,000	95,000	-	0%	81,303	84,668
	55555	CLOUD INFRASTRUCTURE	130,000	82,000	(48,000)	-37%	-	-
	56100	COMPUTER HARDWARE	65,000	66,200	1,200	2%	67,315	63,427
	56150	COMPUTER SOFTWARE	320,000	330,000	10,000	3%	184,289	370,068
	56225	HARDWARE SERVICE & WARRANTIES	45,000	50,000	5,000	11%	49,719	49,368
	56230	SOFTWARE MAINT & LICENSING	345,000	380,000	35,000	10%	375,274	349,017
	56500	COMPUTER SUPPLIES	-	-	-		3,103	-
	56550	THIRD PARTY SERVICES	10,000	10,000	-	0%	22,446	43,796
	56900	TRANSFER TO INDIRECT EXPENSES	(1,134,200)	(1,185,400)	(51,200)	5%	(852,470)	(1,060,198)
	TOTAL DIRECT EXPENSES		-	-	-		**0**	**(0)**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	1,434,388	1,434,388	-	0%	1,277,147	1,384,796
	51299	BENEFITS EXPENSE	478,236	480,053	1,818	0%	391,726	437,041
	51955	CAPITAL LABOR & OVERHEAD	(210,000)	(210,000)	-	0%	(267,632)	(275,379)
	51900	OTHER INDIRECT EXPENSE	391,498	383,003	(8,495)	-2%	350,372	360,728
TOTAL INDIRECT EXPENSES:			**2,094,122**	**2,087,445**	**(6,677)**	**0%**	**1,751,613**	**1,907,187**
TOTAL ALL EXPENSES:			**2,094,122**	**2,087,445**	**(6,677)**	**0%**	**1,751,613**	**1,907,187**
NET INCOME (LOSS):			**(2,094,122)**	**(2,087,445)**	**6,677**	**0%**	**(1,751,613)**	**(1,907,187)**

Washington State Bar Association
Budget Comparison

VOLUNTEER ENGAGEMENT

Cost Center **FY24 FTE** **0.60**
VE **REFORECAST FTE** **0.60**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	TOTAL REVENUE		**-**	**-**	**-**		**-**	**-**
DIRECT EXPENSES:	**50015**	DEPRECIATION	-	-	-		-	-
	50110	STAFF CONFERENCE & TRAINING	2,600	2,600	-	0%	1,090	2,450
	50120	STAFF MEMBERSHIP DUES	450	450	-	0%	856	498
	50130	SUBSCRIPTIONS	750	750	-	0%	-	-
	52520	ABA DELEGATES	14,000	14,000	-	0%	5,828	12,592
	TOTAL DIRECT EXPENSES		**17,800**	**17,800**	**-**	**0%**	**7,773**	**15,540**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	60,485	60,485	-	0%	56,934	61,551
	51299	BENEFITS EXPENSE	17,637	21,371	3,734	21%	19,270	18,483
	51900	OTHER INDIRECT EXPENSE	18,069	17,677	(392)	-2%	15,903	16,842
	TOTAL INDIRECT EXPENSES:		**96,192**	**99,534**	**3,342**	**3%**	**92,108**	**96,875**
	TOTAL ALL EXPENSES:		**113,992**	**117,334**	**3,342**	**3%**	**99,881**	**112,415**
	NET INCOME (LOSS):		**(113,992)**	**(117,334)**	**(3,342)**	**3%**	**(99,881)**	**(112,415)**

Washington State Bar Association

All Sections
SECTOPS

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:								
	48200	SECTION DUES	438,431	438,431	-	0%	416,055	427,651
	41855	CLE SECTION SPLITS PROJECTIONS	0	-	-		(101,660)	-
	40500	INTEREST INCOME	17,147	17,147	-	0%	10,935	81,582
	40800	PUBLICATIONS REVENUE	1,500	1,500	-	0%	1,923	2,008
		OTHER	78,010	78,010	-	0%	38,196	27,975
		SEMINAR PROFIT SHARE	153,875	153,875	-	0%	396,244	153,664
	TOTAL R	**TOTAL REVENUE**	**688,963**	**688,963**	**-**	**0%**	**761,693**	**692,880**
DIRECT EXPENSES:								
		DIRECT EXPENSES OF SECTION ACTIVITIES	733,096	733,096	-	0%	194,459	256,979
		REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	284,470	284,470	-	0%	273,426	268,147
	TOTAL D	**TOTAL DIRECT EXPENSES**	**1,017,566**	**1,017,566**	**-**	**0%**	**467,886**	**525,126**
NET INC	**NET INCOME (LOSS):**		**(328,603)**	**(328,603)**	**-**	**0%**	**293,807**	**167,754**

ATTACHMENT B

Washington State Bar Association
Budget Comparison

CLE - PRODUCTS

Cost Center	**FY24 FTE**	**1.29**
CLEP	**REFORECAST FTE**	**1.29**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41000**	SHIPPING & HANDLING	300	300	-	0%	225	153
	43200	COURSEBOOK SALES	10,000	10,000	-	0%	1,790	1,115
	43400	DIGITAL VIDEO SALES	900,000	900,000	-	0%	1,204,159	926,308
	43350	MP3 SALES	-	-	-		96,632	-
	TOTAL REVENUE		**910,300**	**910,300**	**-**	**0%**	**1,302,806**	**927,576**
DIRECT EXPENSES:	**50110**	STAFF CONFERENCE & TRAINING	312	312	-	0%	-	-
	50120	STAFF MEMBERSHIP DUES	-	-	-		-	-
	52240	DISABILITY ACCOMMODATIONS	2,000	2,000	-	0%	-	370
	53220	COST OF SALES - COURSEBOOKS	1,100	1,100	-	0%	141	106
	53250	A/V DEVELOP COSTS (RECORDING)	-	-	-		-	-
	53255	CLE-EQUIP-DEPRECIATION	2,040	2,040	-	0%	1,312	3,351
	53285	ONLINE PRODUCT HOSTING EXPENSES	53,000	53,000	-	0%	51,091	53,338
	53330	POSTAGE & DELIVRY-COURSEBOOKS	500	500	-	0%	173	34
	TOTAL DIRECT EXPENSES		**58,952**	**58,952**	**-**	**0%**	**52,716**	**57,198**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	95,891	95,891	-	0%	84,503	83,795
	51299	BENEFITS EXPENSE	29,801	46,535	16,734	56%	34,904	35,373
	51900	OTHER INDIRECT EXPENSE	38,849	38,006	(843)	-2%	35,189	35,889
	TOTAL INDIRECT EXPENSES:		**164,541**	**180,432**	**15,891**	**10%**	**154,596**	**155,058**
	TOTAL ALL EXPENSES:		**223,493**	**239,384**	**15,891**	**7%**	**207,313**	**212,256**
	NET INCOME (LOSS):		**686,807**	**670,916**	**(15,891)**	**-2%**	**1,095,493**	**715,320**

Washington State Bar Association
Budget Comparison

CLE - SEMINARS

Cost Center	**FY24 FTE**	**6.60**
CLES	**REFORECAST FTE**	**6.60**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**41800**	SEMINAR REGISTRATIONS	825,000	825,000	-	0%	633,144	725,568
	41825	SEMINAR REVENUE-OTHER	20,000	20,000	-	0%	12,000	38,972
	41850	SEMINAR SPLITS W/ CLE	(150,000)	(150,000)	-	0%	(261,469)	(141,238)
	TOTAL REVENUE		**695,000**	**695,000**	**-**	**0%**	**383,675**	**623,302**
DIRECT EXPENSES:	**50100**	STAFF TRAVEL/PARKING	15,000	15,000	-	0%	9,428	9,080
	50110	STAFF CONFERENCE & TRAINING	2,465	2,465	-	0%	-	-
	50120	STAFF MEMBERSHIP DUES	1,000	1,000	-	0%	1,145	902
	50140	SUPPLIES	500	500	-	0%	-	-
	52240	DISABILITY ACCOMMODATIONS	5,000	5,000	-	0%	-	2,173
	53610	COURSEBOOK PRODUCTION	500	500	-	0%	-	45
	53620	POSTAGE - FLIERS/CATALOGS	-	-	-		149	-
	53640	ACCREDITATION FEES	3,000	3,000	-	0%	1,788	2,670
	53660	SEMINAR BROCHURES	-	-	-		-	-
	53690	FACILITIES	160,500	160,500	-	0%	71,651	120,386
	53700	SPEAKERS & PROGRAM DEVELOP	45,000	45,000	-	0%	13,690	25,852
	53730	HONORARIUM	3,000	3,000	-	0%	3,000	-
	53740	CLE SEMINAR COMMITTEE	200	200	-	0%	-	-
	TOTAL DIRECT EXPENSES		**236,165**	**236,165**	**-**	**0%**	**100,850**	**161,108**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	487,487	487,487	-	0%	487,740	512,735
	51299	BENEFITS EXPENSE	158,182	188,518	30,336	19%	184,581	181,002
	51900	OTHER INDIRECT EXPENSE	198,761	194,448	(4,313)	-2%	183,888	189,568
	TOTAL INDIRECT EXPENSES:		**844,430**	**870,452**	**26,023**	**3%**	**856,210**	**883,305**
	TOTAL ALL EXPENSES:		**1,080,594**	**1,106,617**	**26,023**	**2%**	**957,060**	**1,044,413**
	NET INCOME (LOSS):		**(385,594)**	**(411,617)**	**(26,023)**	**7%**	**(573,385)**	**(421,111)**

Washington State Bar Association
Budget Comparison

DESKBOOKS

Cost Center **FY24 FTE** **1.65**
DESK **REFORECAST FTE** **1.65**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**43100**	DESKBOOK SALES (LEXISNEXIS PRINT)	30,000	30,000	-	0%	20,218	40,042
	43450	SECTION PUBLICATION SALES	1,500	1,500	-	0%	1,863	2,300
	43455	LEXIS/NEXIS ROYALTIES	75,000	75,000	-	0%	63,653	53,429
	43525	CASEMAKER ROYALTIES	30,000	30,000	-	0%	28,934	46,667
	TOTAL REVENUE		**136,500**	**136,500**	**-**	**0%**	**114,668**	**142,437**
DIRECT EXPENSES:	**50110**	STAFF CONFERENCE & TRAINING	-	-	-		-	-
	50120	STAFF MEMBERSHIP DUES	225	225	-	0%	221	256
	50130	SUBSCRIPTIONS	50	50	-	0%	-	43
	53210	COST OF SALES - DESKBOOKS	4,000	4,000	-	0%	29,719	83,645
	53225	COST OF SALES - SECTION PUBLIC	500	500	-	0%	2,437	2,217
	53260	OBSOLETE INVENTORY	21,000	21,000	-	0%	-	-
	53265	SPLITS TO SECTIONS	300	300	-	0%	356	454
	53270	DESKBOOK ROYALTIES	300	300	-	0%	310	92
	53320	POSTAGE & DELIVRY-COURSEBOOKS	-	-	-		-	90
	54380	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
	TOTAL DIRECT EXPENSES		**26,375**	**26,375**	**-**	**0%**	**34,951**	**86,797**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	155,883	155,883	-	0%	127,561	132,633
	51299	BENEFITS EXPENSE	48,424	51,896	3,473	7%	40,522	40,584
	51900	OTHER INDIRECT EXPENSE	49,690	48,612	(1,078)	-2%	40,486	41,517
	TOTAL INDIRECT EXPENSES:		**253,996**	**256,391**	**2,395**	**1%**	**208,568**	**214,735**
	TOTAL ALL EXPENSES:		**280,371**	**282,766**	**2,395**	**1%**	**243,519**	**301,532**
	NET INCOME (LOSS):		**(143,871)**	**(146,266)**	**(2,395)**	**2%**	**(128,851)**	**(159,095)**

ATTACHMENT C

Washington State Bar Association
Budget Comparison

CLIENT PROTECTION FUND

Cost Center	**FY24 FTE**	**1.23**
CPF	**REFORECAST FTE**	**1.23**

			FY2024 Budget V6	FY2024 Reforecast	V6 vs Reforecast Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	**40500**	INTEREST - INVESTMENTS	60,000	180,000	120,000	200%	35,955	245,788
	44820	CPF RESTITUTION	10,000	10,000	-	0%	8,906	9,177
	44840	CPF MEMBER ASSESSMENTS	525,930	525,930	-	0%	704,366	715,570
	TOTAL REVENUE		**595,930**	**715,930**	**120,000**	**20%**	**749,227**	**970,535**
DIRECT EXPENSES:	**50020**	BANK FEES	3,000	3,000	-	0%	2,145	2,705
	50120	STAFF MEMBERSHIP DUES	200	200	-	0%	-	200
	54810	GIFTS TO INJURED CLIENTS	500,000	500,000	-	0%	566,947	342,424
	54820	CPF BOARD	2,000	2,000	-	0%	390	1,125
	TOTAL DIRECT EXPENSES		**505,200**	**505,200**	**-**	**0%**	**569,482**	**346,454**
INDIRECT EXPENSES:	**51199**	SALARY EXPENSE	110,717	110,717	-	0%	95,157	104,441
	51299	BENEFITS EXPENSE	35,671	41,259	5,588	16%	34,036	35,668
	51900	OTHER INDIRECT EXPENSE	37,042	36,238	(804)	-2%	33,297	34,075
	TOTAL INDIRECT EXPENSES:		**183,430**	**188,214**	**4,784**	**3%**	**162,490**	**174,184**
TOTAL ALL EXPENSES:			**688,630**	**693,414**	**4,784**	**1%**	**731,972**	**520,638**
NET INCOME (LOSS):			**(92,700)**	**22,516**	**115,216**	**-124%**	**17,256**	**449,897**

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Brent Williams-Ruth, Governor
Hunter M. Abell, President
Sara Niegowski, Director of Communications

DATE: April 9, 2024

RE: WSBA Public Engagement Plan

ACTION/DISCUSSION: Approve the 2024 Public Engagement Plan including elements to come back with more detail.

Background: The Washington State Bar Association ("WSBA") has many purposes under General Rule ("GR") 12.2. Several of these purposes include interaction with and service to the public. These include: "Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession." GR 12.2(a)(11) They also include: "Foster collegiality among its members and goodwill between the legal profession and the public." GR 12.2(a)(5).

Toward that end, the WSBA is authorized to take various actions, including the following: "Maintain and foster programs of public information and education about the law and the legal system." GR 12.2(b)(19).

Despite these purposes and authorization, the WSBA has not had a concerted public outreach and engagement plan in recent memory. Accordingly, pursuant to GR 12.2(b)(19), this proposed Public Engagement Plan ("Plan") is brought to the Board of Governors ("BOG") for consideration.

The Plan: As specified in GR 12.2, the Plan's goal is to increase public awareness of the law and the legal system and to foster collegiality between the profession and the public. The strategy is utilization of existing WSBA resources and members in an effort to engage in direct outreach to target public audiences and highlight those efforts in the media and through WSBA communication channels. **The vision is a low-cost, high-return public outreach effort that is ongoing and reflects well on the WSBA and the legal profession.**

The Plan includes three components:

1) **BOG Member Outreach** – Due to their geographic distribution, and high level of knowledge of the profession and the WSBA, BOG members are uniquely well-situated to interact with members of the public. Accordingly, a key component of the Plan is for BOG members to commit themselves to adopting public interaction as part of their duties, in addition to interacting with practitioners.

    A) **Action Item #1:** Add a bullet point to the March 2022 Roles and Responsibilities document in the section for individual Board member responsibilities as well as Officer responsibilities:

    - *Engaging with members of the public as an ambassador of the WSBA to increase trust and confidence in the legal profession; this includes messaging about the legal profession's role of*

serving the public, upholding the Constitution and the rule of law, and defending individual freedoms.

B) **Action Item #2:** The WSBA President or Executive Director publicly recognize any BOG member who accomplishes two (2) or more public outreach events per year.

2) **Communications Team Toolkit** – The Communications Department is authorized to develop an electronic "toolkit" for use by the BOG members in public outreach efforts that emphasize rule of law, the independence of the judiciary, and the role of lawyers in a free society.

   A) **Action Item #1**: The Communications Department will research effective messaging on these issues and how to present them in a meaningful way to a variety of different public audiences, including students, service organizations, local governments, the media, etc.

   B) **Action Item #2**: After engaging in the research, the Communications Department will design an annual U.S. Rule of Law Toolkit (public facing) and quarterly speaking points about the organization (member facing).

3) **Ambassador Program** – The Communications Department is also authorized to develop and execute a low-cost, volunteer program for WSBA members to interact with members of the public. This will involve identification of 5-10 WSBA member "Ambassadors," appointed by the WSBA President and confirmed by the Board of Governors for two (2) year terms, who are willing and able to represent the profession to the public, and creation of a website on the WSBA webpage to advertise the program. Such Ambassadors should be current or former members of the WSBA with outstanding demonstrated records of service to the profession and the public, and of the character and temperament to succeed in public outreach efforts. The Communications Department will also develop a page on the WSBA webpage to advertise the program. ex

   A) **Action Item #1**: The Communications and Outreach Department will prepare a memorandum for review by the Executive Director outlining the operations of the Ambassador Program, including method for member selection.

   B) **Action Item #2:** The WSBA President and Executive Director will begin recruiting members to participate in the Ambassador Program.

   C) **Action Item #3:** The Communications and Outreach Department will support the members engaged in outreach through the Ambassador Program and highlight the outreach activities on the WSBA website and through social media.

A non-exclusive list of target audiences for the Plan are as outlined on **Exhibit A**.

Future Efforts: This Plan codifies the BOG's role and responsibility to engage with the public to foster trust and confidence in the legal profession and rule of law. It also provides tools for the BOG and member Ambassadors to fulfill this role. Concurrently, the WSBA has an operational goal to conduct a wide-ranging review of its public-facing services and communication efforts, with the purpose of returning to the Board with recommendations in FY23, which may evolve into a strategic goal with a related fiscal impact.

Conclusion: The WSBA is uniquely situated to interact with the public in a manner that builds the public's trust and confidence in the legal system. Adoption of the Plan is a first step toward realizing that vision. We request it be approved.

FISCAL ANALYSIS: The fiscal impact of the proposed plan includes cost in three areas:

1) Staff Time: Staff support would come predominately from the Communications and Office of General Counsel departments and would be reallocated from the capacity of existing staff (no new staff needed) to support the plan work.

2) Board of Governors Outreach: The WSBA FY 2024 budget includes a line-item expense for BOG Travel and Outreach of $22,000 which focuses primarily on member outreach and supports expenses for all Governors and Officers. The proposed plan focuses on public outreach, which could increase the BOG Travel and Outreach for expenses to attend events including mileage, parking, meals, etc., depending on the type and frequency of outreach. The rate of reimbursement for expenses are outlined in WSBA's Fiscal Policies and Procedures and are aligned with the current IRS mileage reimbursement rate ($0.67/mile), federal per diem limits for meals, and WSBA policy established rates for lodging. Without having more specific data about the outreach events, we are estimating approximately $3,000 in additional costs, assuming 2 additional events per Governor/Officer.

3) Ambassador Program: The proposed plan identifies action items that focus on the development of an Ambassador Program. We anticipate that the program will require direct costs to administer the program for the training and onboarding of ambassadors and reimbursement for costs to attend and/or host outreach events. However, we are unable to determine the extent of the impact at this point without more specific information about the program. When the program is more fully defined, further fiscal analysis can be provided.

EQUITY ANALYSIS: The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. It is unclear whether the communities most impacted have been identified. If the goal of this education and outreach plan is to emphasize rule of law, the independence of the judiciary, and the role of lawyers in a free society, we encourage you to consider communities who may experience marginalization like voter disenfranchisement, limited access to legal services, and barriers to engaging in democratic process. Centering these communities would help inform the most effective outreach methods, prioritize resources including volunteer and staff time, and advance equity. Because public outreach efforts emphasizing the rule of law will undoubtedly include talking about access to justice, we encourage presenters to consider how this education and outreach project works towards building community trust and do your research which includes best practices around community engagement (e.g., Building Legal-Community Partnerships), understanding existing legal aid resources, and coordinating with other organizations who are engaged in know-your-rights education and outreach.

LEGAL ANALYSIS-PROVIDED SEPARATELY IN A CONFIDENTIAL DOCUMENT

EXHIBIT A

Non-Exclusive Target Audience Examples:

Students – High School, Undergraduate Students

Service Organizations – Rotary, Lions, Elks

Veteran Organizations – VFW, American Legion, County “Stand Down” Events

Local Government – City/Town Council(s), County Council/Commission

Local Media – Seattle Times, Tacoma News Tribune, Spokesman Review, smaller daily or weekly newspapers

Business/Civic Organizations – Chamber(s) of Commerce, League of Women Voters

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Renata Garcia, Chief Regulatory Counsel; Bobby Henry, Associate Director for Regulatory Services

DATE: February 13, 2024

RE: Suggested Amendments to Remove Resident Agent Requirement

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ACTION: Chief Regulatory Counsel requests the Board of Governors approve the suggested amendments to the Admission and Practice Rules (APR) and Rules for Enforcement of Lawyer Conduct (ELC) for submission to the Washington Supreme Court on expedited review under the procedures of Rule 9 of the General Rules (GR). The amendments would remove the requirement to designate a resident agent for the purpose of accepting service of process for WSBA members who do not have a physical street address in Washington.

FIRST READING: Related suggested WSBA Bylaws amendments are included for a required first reading. The WSBA Bylaws amendments will be presented at the next meeting for action subject to the Court adoption of the APR amendments.

Summary

Currently, APR 13(f) requires most members of the WSBA to designate a resident agent for the purpose of receiving service of process if their address of record is not a physical street address in Washington state. In response to WSBA's effort to enforce this rule, members raised several concerns about the resident agent requirement including safety and privacy concerns, the difficulty in complying for military members, confusion about the wording of the rule, and the necessity for such a rule especially for members who are not actively practicing law in Washington.

Based on research into the history of the rule, the original purpose of the rule, the concerns raised by members, and the lack of a similar requirement in most if not all other U.S. jurisdictions, we determined the resident agent requirement is antiquated and no longer necessary. Other rules and WSBA Bylaws referring to the resident agent are included for amendment. The purpose and effect of all the suggested amendments are summarized in the table below.

Summary Table of Rules and Bylaws Referring to Resident Agent	
Citation	**Effect/Purpose of Amendment**
APR 5(a)	Removes the requirement for applicants to designate a resident agent.
APR 13(f)	Removes the requirement for WSBA members to designate a resident agent.
APR 17(a)(F)	Removes failing to designate a resident agent as a ground for administrative suspension.

Summary Table of Rules and Bylaws Referring to Resident Agent	
Citation	**Effect/Purpose of Amendment**
APR 17(b)	A new subsection which will make the act of WSBA recommending suspension of WSBA members, for failing to timely notify the WSBA of a change in contact information, a discretionary act instead of a mandatory act as currently required under the rule.
ELC 4.1(b)(3)(ii)	Removes the resident agent as an option for personal service in disciplinary proceedings.
WSBA Bylaws Art. III Sec. C.1-4	Removes the requirement for WSBA members to designate a resident agent.
WSBA Bylaws Art. III Sec. J.3.a.8)	Removes failing to designate a resident agent as a ground for administrative suspension.
WSBA Bylaws Art. VI Sec. C.2.a.	Removes eligibility for members who reside out-of-state to vote in the district of their designated resident agent and clarifies they may still vote for the At Large Governors. Note: members may continue to vote in the district of their primary Washington practice if they so designate to the Executive Director.

Background

The State Bar Act requires Washington residency for admission to practice law and we believe the resident agent rule was adopted in in 1982 when the Court superseded the statutory residency requirement by adopting APR 5(b) which stated that residency was not required for applicants or members of the Bar. The Court adopted the resident agent requirement instead. At that time, the resident agent requirement only applied to members who did not live or maintain an office in Washington. As the requirement was set forth in the admissions rules, the designation of a resident agent, when necessary, was incorporated into the admissions process for all new admittees.

APR 5 relates to the admission process. Accordingly, designation of a resident agent has been required, when necessary, for all new admittees since adoption of the rule. Although APR 5(f) required every member except a judicial member of the WSBA to designate a resident agent, in practice WSBA did not enforce the rule with any members not on active status. This is most likely because the requirement was set forth in the admissions rules and members are only admitted in active status.

In 2017, when limited practice officers (LPOs) and limited license legal technicians (LLLTs) were first included as members of the WSBA, and as part of the effort to coordinate the licensing requirements for all license or member types, the resident agent requirement was moved from APR 5 (admissions) to APR 13 (address of record) and expanded to include all LPOs and LLLTs. Below is an excerpt from the GR 9 coversheet when the amendments to APR 5 and 13 were proposed to the Court:

> The suggested amendments to APR 13 would also include the resident agent requirement that is currently in APR 5. Currently, the resident agent rule requires a resident agent if the lawyer does not reside or maintain an office in Washington. An issue arises when some lawyers use a post office box, resulting in no physical street address at which to serve the lawyer. The suggested amendment would require lawyers, LLLTs and LPOs to provide a resident agent when their address

> of record is outside the state or is not a physical street address. These suggested amendments would ensure that all lawyers, LLLTs and LPOs have a tie to Washington and have an address at which the legal professional can actually be served.

We believe the primary purpose for moving the rule from APR 5 to APR 13 was to clarify that it was an ongoing licensing requirement, as opposed to an admissions requirement only. APR 13(f) currently states:

> Resident Agent. If the address of record required under this rule is not in the state of Washington or is not a physical street address, the lawyer, LLLT, or LPO shall file with the Bar the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer, LLLT, or LPO. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer, LLLT, or LPO. The name and address of the resident agent shall be a public record. If the address or name of the resident agent changes, the lawyer, LLLT, or LPO shall notify the Bar of the change within 10 days after the change. Judicial and honorary members of the Bar are exempt from the requirements of this section.

In addition to expanding its application and clarifying that the requirement of a resident agent was ongoing, the resident agent rule was further modified to specifically require a physical street address in Washington state.

Member Impact and Feedback

Accordingly, in early 2018, the WSBA sent a letter to approximately 3,300 members (active, inactive, and emeritus pro bono) whose addresses of record were not a physical street address in the state of Washington notifying them of the newly amended resident agent requirement. At that time the requirement was not incorporated into the annual license renewal and suspension process. Considering the large number of members impacted by this requirement, WSBA opted for a gradual approach to enforcing the rule. To date, there are still a significant number of members out of compliance. On October 16, 2023, we emailed approximately 4,756 members (active, inactive, and pro bono) to remind them of the resident agent requirement and to seek compliance. As of February 8, 2024, the number of non-compliant members has been reduced to 3,438, which is only a 28% decrease. In response to our most recent reminder, we received hundreds of phone calls and emails from concerned members. The feedback can be classified generally into the following categories:

- **Ambiguity:** Some members have shared a different interpretation of the rule with us. They have a shared that the rule as written ("not in the state of Washington or is not a physical street address") can be interpreted as not applying to those with a physical street address outside of the state. In other words, those with a physical street address in another state are not required to provide the WSBA with a resident agent.
- **Privacy and safety concerns:** Members who do not have a brick-and-mortar office or work from home are reluctant to make their home address available to the public.
- **Inactive members:** Inactive members have questioned the reason for providing the WSBA with a resident agent because they are not practicing law in the state.
- **Military members:** Some military members have asked for an exception to the rule while serving in another state or overseas.

- **Use of PO Box or PMB:** Some members believe they are not required to provide a resident service so long as they list the physical street address of the post office or private mailbox in addition to the mailbox number.

Other U.S. Jurisdictions
We conducted a survey of other U.S. jurisdictions regarding residency requirements and to find out if other U.S. jurisdictions had a similar resident agent requirement. We heard back from 25 jurisdictions, including Oregon and Idaho, and none of the jurisdictions which responded have a resident agent requirement.

Other Rules and WSBA Bylaws Referring to Resident Agent
As identified in the summary table above, there are references to the resident agent in several rules and WSBA Bylaws. Most of the suggested amendments relate to removing the requirement to designate a resident agent, to notify the WSBA of change in resident agent, or removing the failure to designate a resident agent as a grounds for administrative suspension from the practice of law. Others suggested amendments include the following.

- Removing the option to serve the resident agent in disciplinary proceedings when personal service is required under the Rules for Enforcement of Lawyer Conduct (ELC). After consulting the Office of Disciplinary Counsel, which indicated that resort to resident-agent service is infrequent, it was agreed that the benefits of eliminating the resident agent requirement outweigh the minor burden of removing one alternative means of service in disciplinary proceedings.
- Making a recommendation for administrative suspension a discretionary act when a member fails to timely notify the WSBA of a change in contact information. Although the WSBA has not suspended a member solely on these grounds, the consequence of suspension is helpful in ensuring members update their contact information. However, we do not believe it should be required that the WSBA recommend the suspension of all members who do not update their contact information within ten days of the change. Instead, suspension should be limited to those who intentionally fail to comply after repeated warning.
- Removing the option to vote in the district of the member's resident agent. For members who reside out-of-state, they will not have the option to vote in Board of Governors elections for a Governor representing one of the state's districts. Out-of-state members will continue to be eligible to vote for At Large Governors, and, if they inform the Executive Director, to vote for a Governor in the district of their primary Washington practice.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The Board is asked to eliminate the registered agent requirement in both court rules and WSBA Bylaws. The Board can act on the court rule requests at this meeting, but the Bylaw changes require two meetings. Board action on the court rules authorizes sending the rules to the Court for consideration.

There is no legal requirement that the WSBA require a registered agent for members with out of state addresses. The important information is a reliable, current address for WSBA communications. Eliminating the requirement that WSBA members with out of state addresses also have a registered agent in Washington does not appear to

create legal risk for the WSBA. Although the WSBA has used registered agent addresses for service in discipline matters in the past, other alternatives exist.

The current Bylaws state that WSBA members residing out of state vote in the district "of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or specifically designated to the Executive Director, within the district of their primary Washington practice." The proposed change eliminates the ability of these members to participate in the congressional district elections completely and limits their participation to at large elections. Given that these members do not reside in a Congressional District in Washington, it is logical that they do not participate in the Congressional District elections. However, in state WSBA members are eligible to vote in both Congressional District and at large governor elections. This is also currently true for out of state members. The change will exclude out of state members from participating in Congressional district elections-and therefore treat in state members differently from out of state members. The Board may wish to discuss whether alternatives exists that allow more equitable treatment of all WSBA members.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation is primarily limited to the amount of staff time used to incorporate any approved revisions to the relevant records and systems. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. After implementation of recommendations there would be a savings in staff time that is currently being used to respond to members about this requirement.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. It appears that the Chief Regulatory Counsel considered those most impacted include inactive members, members who lived out of state, members in the military and members who only use a PO Box and do not disclosure a physical address for safety privacy reasons, and is making the proposal to remove the resident agent requirement to address their concerns. Based on our review, there does not appear to any concerns about inequitable outcomes.

Attachments

- Suggested amendments to APR 5, 13 and 17
- Suggested amendments to ELC 4.1
- Suggested amendments to the WSBA Bylaws

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 5. PRE-ADMISSION REQUIREMENTS; OATH; RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE LAW

(a) Preadmission Requirements. Before an applicant who has passed an examination for admission, or who qualifies for admission without passing an examination, may be admitted, the applicant must:

(1) pay to the Bar the annual license fee and any mandatory assessments ordered by the Supreme Court for the current year;

(2) file any and all licensing forms required of active lawyers, LLLTs or LPOs; and

(3) take the Oath of Attorney, the Oath for Limited Practice Officers, or the Oath of Limited License Legal Technician~~;~~. ~~and~~

~~(4) designate a resident agent if required to do so by APR 13.~~

(b) – (m) [Unchanged.]

RULE 13. SIGNING OF PLEADINGS AND OTHER PAPERS; ADDRESS OF RECORD; ELECTRONIC MAIL ADDRESS; NOTICE OF CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME; RESIDENT AGENT

(a) – (e) [Unchanged.]

~~**(f) Resident Agent.** If the address of record required under this rule is not in the state of Washington or is not a physical street address, the lawyer, LLLT or LPO shall file with the Bar the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer, LLLT or LPO. Service or delivery to such agent shall be deemed service~~

~~upon or delivery to the lawyer, LLLT or LPO. The name and address of the resident agent shall be a public record. If the address or name of the resident agent changes, the lawyer, LLLT or LPO shall notify the Bar of the change within 10 days after the change. Judicial and honorary members of the Bar are exempt from the requirements of this section.~~

RULE 17. ADMINISTRATIVE SUSPENSION FROM PRACTICE

(a) Basis for Suspension From Practice – Mandatory. The Bar shall request that the Supreme Court suspend a lawyer, LLLT, or LPO from the practice of law upon:

(1) notification from the Department of Social and Health Services that the lawyer, LLLT, or LPO is more than six months delinquent in noncompliance with a valid and enforceable order entered by a court of competent jurisdiction requiring the lawyer, LLLT, or LPO to pay child support; or

(2) failure of a lawyer, LLLT, or LPO to comply with licensing requirements under these rules, the applicable disciplinary rules, or the Bar's Bylaws. This includes but is not limited to a lawyer's, LLLT's, or LPO's:

(A) failure to pay the annual license fee or late payment fee to the Bar;

(B) failure to pay to the Bar any mandatory assessments ordered by the Supreme Court including the Client Protection Fund assessment;

(C) failure to comply with MCLE requirements;

(D) failure to comply with financial responsibility or professional liability insurance requirements; and

(E) failure to file annual trust account information~~;~~.

~~(F) failure to designate a resident agent when required to do so; and~~

(b) Basis for Suspension From Practice – Discretionary. The Bar may request that the

Supreme Court suspend a lawyer, LLLT, or LPO from the practice of law upon ~~(G)~~ failure to timely notify the Bar of a change in the lawyer's, LLLT's, or LPO's name, address, phone number or e-mail address ~~or resident agent information~~ as required under APR 13.

(~~b~~c) Notice and Order of Suspension. The Bar shall provide at least 60 days written notice of intent to seek suspension to a lawyer, LLLT, or LPO at the lawyer's, LLLT's, or LPO's address of record with the Bar. The Bar shall establish notice procedures consistent with this rule. A lawyer, LLLT, or LPO shall have a right to submit proof that the grounds for the suspension do not exist or no longer exist. After such notice the Court may enter an order suspending the lawyer, LLLT, or LPO from practice.

(~~c~~d) Change of Status After Suspension Pursuant to This Rule. A lawyer, LLLT, or LPO who has been administratively suspended under this rule shall have a right to submit proof to the Bar that the grounds for suspension no longer exist. The lawyer, LLLT, or LPO must adhere to status change procedures established by the Bar. The Court may enter an order changing status upon determination said proof is satisfactory and so long as the lawyer, LLLT, or LPO meets all other requirements to practice law.

(~~d~~e) Rules of Professional Conduct Not Superseded. Nothing in this rule supersedes any of the Rules of Professional Conduct.

SUGGESTED AMENDMENTS TO
RULES FOR ENFORCEMENT OF LAWYER CONDUCT

TITLE

RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)

RULE 4.1. SERVICE OF PAPERS

(a) [Unchanged.]

(b) Methods of Service.

(1) – (2) [Unchanged.]

(3) *Personal Service.* Personal service on a respondent is accomplished as follows:

(A) [Unchanged.]

(B) if the respondent cannot be found in Washington State, service may be made either by:

(i) [Unchanged.]

(ii) mailing by registered or certified mail, postage prepaid, a copy addressed to the respondent at their last known place of abode, office address maintained for the practice of law, post office address, or address on file with the Association~~, or to the respondent's resident agent whose name and address are on file with the Association under APR 5(f)~~.

(C) [Unchanged.]

(4) [Unchanged.]

(c) – (d) [Unchanged.]

Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101-2539

PROPOSED AMENDMENTS TO WSBA BYLAWS

III. MEMBERSHIP

[Page 7 of WSBA Bylaws]

C. REGISTER OF MEMBERS

1. All Bar members, including Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer, must furnish the information below to the Bar:

   a. physical residence address;

   ~~b. physical street address for a resident agent if required to have one pursuant to these Bylaws or by court rule;~~

   ~~c~~b. principal office address, telephone number, and email address;

   ~~d~~c. such other data as the BOG or Washington Supreme Court may from time to time require of each member

   and must promptly advise the Executive Director in writing of any change in this information within 10 days of such change. Judicial members are not required to provide a physical residence address.

2. The Executive Director will keep records of all members of the Washington State Bar Association, including, but not limited to:

   a. physical residence address furnished by the member;

   b. principal office address, telephone number, and email address furnished by the member;

   ~~c. physical street address of any resident agent for the member;~~

   ~~d~~c. date of admittance;

   ~~e~~d. type and status of membership;

~~f~~e. date of transfer(s) from one status to another, if any;

~~g~~f. date and period(s) of administrative suspensions, if any;

[Page 8 of WSBA Bylaws]

~~h~~g. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;

~~i~~h. such other data as the BOG or Washington Supreme Court may from time to time require of each member.

~~3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.~~

~~4~~3. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.

J. SUSPENSION

1. – 2. [Unchanged.]

[Page 15 of WSBA Bylaws]

3. Administrative Suspension

a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these

Bylaws, a member may be administratively suspended for the following reasons:

1) Nonpayment of license fees or late-payment fees;

2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);

3) Failure to file a trust account declaration;

4) Failure of a lawyer to file a professional liability insurance disclosure;

5) Failure of a LLLT or LPO to provide proof of financial responsibility;

6) Failure to comply with mandatory continuing legal education requirements;

7) Nonpayment of child support;

~~8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;~~

~~9~~8) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and

~~10~~9) For such other reasons as may be approved by the BOG and the Washington Supreme Court.

b. – d. [Unchanged.]

4. [Unchanged.]

[Page 29 of WSBA Bylaws]

VI. ELECTIONS

C. ELECTION OF GOVERNORS

1. [Unchanged.]

2. Voting in the Election of Governors from Congressional Districts will be conducted in

the following manner:

a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote for the At Large Governors ~~in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13~~, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.

b. – i. [Unchanged.]

3. – 4. [Unchanged.]

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Budget and Audit Committee

DATE: April 12, 2024

RE: Recommended Increases to WSBA Admissions Application Fees

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ACTION: The Budget and Audit Committee recommends that the Board of Governors set the application fees for admission to the Bar at the amounts identified in this memo in order to keep the Admissions cost center self-sustaining.

Executive Summary

Under Rule 3(i) of the Admission and Practice Rules (APR), applicants for admission to the practice of law in Washington are required to pay an application fee. The application fees are set by the Board of Governors and subject to review by the Supreme Court.

Due to the increasing costs of operating the Admissions cost center, and in order for the Admissions cost center to remain self-sustaining, the Budget and Audit Committee recommends an increase in application fees for admission to practice law in Washington. The last time the admissions application fees were increased was in 2009. The Committee's recommendation for application fee increases would sustain the cost center for approximately five years. However, considering all of the variables impacting the cost center, including adoption of the NextGen Bar Exam and development and implementation of the alternative pathways to admission, it is important to note that fees will likely need to be reassessed and changed as new admission programs are implemented. The Committee recommends the Board of Governors set the application fees as summarized in the following table.

Application/Fee Type	**Current Fee (Since 2009)**	**Proposed Fee (2025)**	**Change**
Bar Exam – General	$585	$595	$10
Bar Exam - Attorney	$620	$645	$25
UBE Score Transfer – General	$585	$595	$10
UBE Score Transfer – Attorney	$620	$645	$25
Admission by Motion – Attorney	$620	$970	$350
House Counsel	$620	$970	$350
Foreign Law Consultant	$620	$970	$350
Rule 9 Licensed Legal Interns	$50	$50 (unchanged)	0
Bar Exam Late Filing Fee (In addition to bar exam fee above)	$300	$300 (unchanged)	0
Administrative Fee – Nonrefundable Portion of Fee – All Application Types	$300	$400	$100

Background

For the full background and details about this recommendation, please see Attachment 1, Memo to the Budget and Committee dated April 1, 2024, and attachments thereto.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*
Analysis to be provided as confidential materials.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*
The fiscal impact of this proposal is incorporated throughout the memo and financial modeling in attachments were prepared by the Finance department.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*
Considerations of equity have been included in this proposal. The considerations include proposing a modest fee increase for applicants who are not admitted elsewhere and a higher increase for applicants who have been practicing elsewhere for at least three years. While not every applicant who has been practicing elsewhere has a higher income than people applying for the first time (and there may be new applicants with more resources), the proposed increase attempts to offer an equitable approach. Another consideration of equity included in the proposal is the intention to pay people fairly for their work including proctors and examiners.
The proposal includes an estimate of license fees subsidizing the admissions cost center instead of increasing admissions fees (see Alternative Scenario #2). Going with this approach could be a way to increase the diversity and inclusion in our legal profession. Data shows that underrepresented and historically marginalized people have an average lower income than people who are overrepresented or are in the majority. If the WSBA aims to increase its diversity, removing barriers including financial ones like the admissions fees, could help make the legal profession more accessible to underrepresented and historically marginalized people.

Another alternative could include creating options for scholarships, waivers or a sliding scale. We realize, however, that this alternative would require significant research and staff time to administer it.

Attachments

1. April 1, 2024 Memo to Budget and Audit Committee and Attachments

TO: WSBA Budget and Audit Committee

CC: Terra Nevitt, Executive Director

FROM: Renata de Carvalho Garcia, Chief Regulatory Counsel

Bobby Henry, Associate Director for Regulatory Services

DATE: April 1, 2024

RE: Proposed Increases to WSBA Admissions Application Fees

ACTION: The Regulatory Services Department asks the Budget and Audit Committee to recommend to the Board of Governors increases to the application fees for admission to the Bar in order to keep the Admissions cost center self-sustaining.

Executive Summary

Due to the increasing costs of operating the Admissions cost center, and in order for the Admissions cost center to remain self-sustaining, we recommend an increase in application fees for admission to practice law in Washington. The last time the admissions application fees were increased was in 2009. Our proposal for application fee increases would sustain the cost center for approximately five years. However, considering all of the variables impacting the cost center, including adoption of the NextGen Bar Exam and development and implementation of the alternative pathways to admission, it is important to note that fees might need to be reassessed and changed as needed and as new admission programs are implemented. The proposed application fees are summarized in the following table.

Application/Fee Type	**Current Fee (Since 2009)**	**Proposed Fee (2025)**	**Change**
Bar Exam – General	$585	$595	$10
Bar Exam - Attorney	$620	$645	$25
UBE Score Transfer – General	$585	$595	$10
UBE Score Transfer – Attorney	$620	$645	$25
Admission by Motion – Attorney	$620	$970	$350
House Counsel	$620	$970	$350
Foreign Law Consultant	$620	$970	$350
Rule 9 Licensed Legal Interns	$50	$50 (unchanged)	0
Bar Exam Late Filing Fee (In addition to bar exam fee above)	$300	$300 (unchanged)	0
Administrative Fee – Nonrefundable Portion of Fee – All Application Types	$300	$400	$100

The proposed fees above include modest fee increases for those applicants who are not admitted to practice elsewhere or, if they are admitted elsewhere, generally have been admitted for less than three years; i.e., bar exam applicants and UBE score transfer applicants (UBE scores can be transferred into Washington up to 40 months after the UBE only). This was a deliberate decision as we acknowledge that the costs associated with seeking admission

to the Bar are more likely to be a barrier to law students and recent graduates than to legal practitioners with three or more years of experience. As such, a more substantial fee increase is proposed for lawyers who generally have been admitted to practice elsewhere for more than three years. This includes admission by motion which requires at least three years of active practice to be eligible to apply.

Regarding the nonrefundable portion of the fee, as established by the WSBA Admissions Policies, the application fee includes a non-refundable administrative processing fee. The proposal is to increase the nonrefundable portion of the fee by $100 to help cover the costs associated with reviewing the application. While exam applicants must withdraw an application at least 18 days prior to the date of the examination for a partial refund, those who were unable to sit for the examination due to extraordinary circumstances (e.g., a serious medical emergency, death in the immediate family, significant health problems, house fire), can also receive a partial refund by notifying the bar within 18 days after the exam.

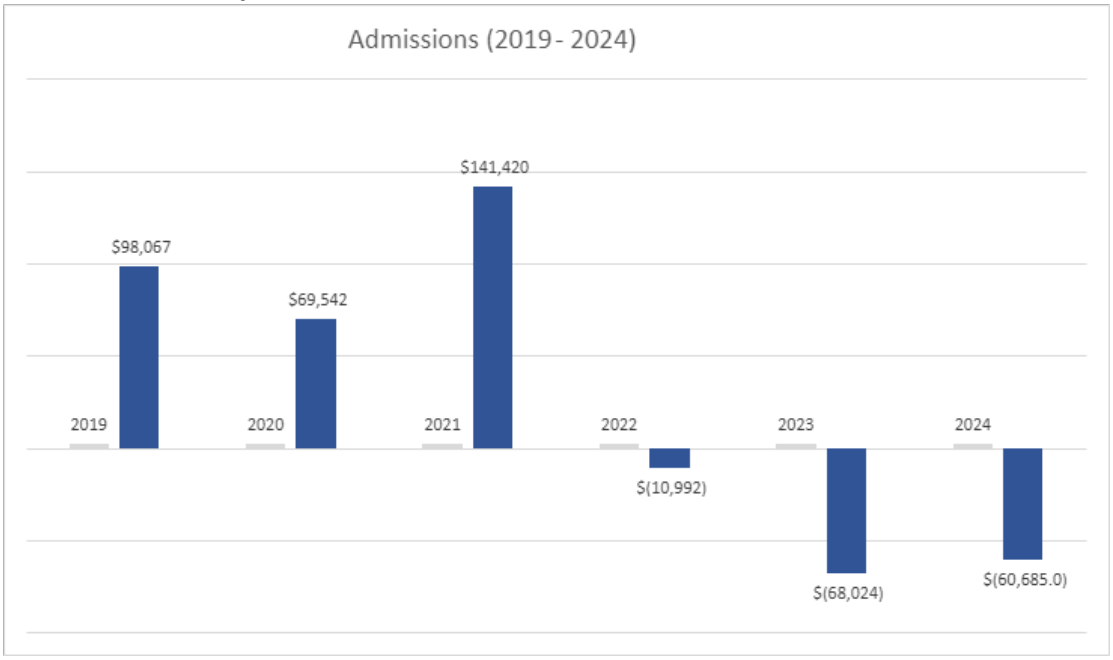
Background

Under Rule 3(i) of the Admission and Practice Rules (APR), applicants for admission to the practice of law in Washington are required to pay an application fee. The application fees are set by the Board of Governors and subject to review by the Supreme Court.

Application fees are used to cover both the direct and indirect expenses associated with the Admissions cost center. Key functions under the Admissions cost center include processing applications, conducting investigations, holding character and fitness hearings, administering the twice-yearly bar exam, and administering the admission process after the application is approved. The Admissions cost center also includes the Board of Bar Examiners expenses including bar exam grading conferences and training sessions for the examiners. The Admissions cost center is a self-sustaining cost center meaning it is funded solely from application fees; no member license fees are used to fund the Admissions cost center.

Extraordinarily, application fees have remained unchanged since 2009. This is due in part to unexpected cost center savings including discontinuing the administration of the summer exam in two locations, changing the exam site to a less expensive venue, and alternative exam administration in response to the pandemic. In addition, low inflation and careful consideration by WSBA admissions staff in managing the Admissions cost center both contributed to keeping fees unchanged for so long. Despite our best efforts not to increase application fees, after nearly 15 years, the current application fees no longer cover the rapidly rising costs of venue rental, proctor pay, transportation, lodging, and the exams, not to mention the costs of labor. As illustrated in the table below, the Admissions cost center had losses for fiscal years 2022 and 2023 totaling ($79,016), and has a budgeted loss of ($60,685) for FY 2024. These losses are offset by the prior years' surpluses which were included in the WSBA general fund to offset other cost centers or increase the general reserve fund.

Admissions Cost Center History



Increased Costs

The WSBA indirect expenses, including items such as rent for WSBA office space and staff salaries, increase every year at fairly predictable rates. On average, indirect expenses for the Admissions cost center have increased annually by 4.3% and staff time has remained relatively constant since 2009. This increase is similar to the amount of overall increase in total indirect expenses during the same time period. Direct expenses, such as venue rental and electricity, on the other hand, are often less predictable. The main direct expenses of the Admissions Cost Center have increased at different rates, as described below.

Venue Rentals for Exam Sites

The cost to rent the venues for the bar exam, including both the main exam and the non-standard testing sites, has increased considerably over the last few years. For example, for the winter 2020 bar exam, the venue cost was $35,214; for the winter 2023 bar exam, the venue cost was $58,969; and for the winter 2024 bar exam, it will be approximately $68,000. These increases are due to the increased costs associated with not only the rental for the space, but also the services provided by the venue, such as the electrical services required to administer the exam via laptops, and for food and beverage service. In addition, we are receiving an increasing number of requests for non-standard testing year over year. Non-standard testing is administered in smaller group rooms or in private rooms as needed to provide the accommodation. Accordingly, there are increased costs associated with renting space and for additional proctors. In addition, some non-standard testing materials cost more to purchase and those costs are borne by the WSBA.

Proctor Pay

Proctors for the bar exam are generally paid a flat rate for their service with any additional time paid at an hourly rate based on the flat rate. For many years the rate was $300 and then $325 per proctor/per exam. However, due to Seattle labor laws that steadily increase the minimum wage at regular intervals, we have had to increase the base proctor pay to ensure we are complying with the minimum wage. For the winter 2023 bar exam we increased the base rate to $375 and for 2024 it will be $400. We expect this will continue to increase, possibly annually.

Board of Bar Examiners

Each examiner on the Board of Bar Examiners is paid a stipend to grade the written portion of the bar exam. Each examiner who grades has been paid $750 per exam since the WSBA moved to the Uniform Bar Exam (UBE) in 2013. Starting in 2024, for the first time in more than ten years, the examiners stipend has increased to $1,000 per exam. We require 10 graders to grade the winter exam and 18 graders to grade the summer exam each year. The stipends for the Chair and Vice Chair of the Board, who oversee the grading of the exams, have also been raised from $1,250 to $1,500. The Board of Bar Examiners grades the exams in-person at a grading conference in Seattle after each exam. The transportation and lodging expenses for the examiners in downtown Seattle have increased. In addition, the WSBA pays for several examiners each year to attend grading conferences with the National Conference of Bar Examiners (NCBE) in Madison, Wisconsin, where they learn proper grading techniques and have the opportunity to network with other graders from across the country. Travel costs nationwide are increasing including airfares.

Exam Materials

The NCBE creates and owns the Uniform Bar Exam and we purchase the exam materials from the NCBE. Currently, we pay a fee per examinee for the exam materials. In some cases, examinees require non-standard testing materials which cost more than the standard exam materials. The NCBE has regularly increased the costs of exam materials.

WSBA Staff Travel to Admissions Conferences

WSBA admissions staff regularly attend admissions conferences, primarily held by the NCBE, in order to learn about the latest developments in bar admissions and to share experiences with fellow bar admissions administrators. Travel costs nationwide are increasing as are the fees charged by the NCBE to attend the annual conference.

Security at Exam Sites

To ensure a safe administration of the exam in this day and age of active shooters, WSBA is exploring options for security at the bar exam sites. Options include hiring security guards, renting magnetometers, or renting other security devices such as hand wand metal detectors. Based on preliminary research, it will cost anywhere between $9,000- $12,000 per exam for security.

NextGen Bar Exam and Exam Software Costs

Another consideration is the move to the NextGen Bar Exam. Our projections take into account the Washington Supreme Court's recent decision to begin administering the NextGen Bar Exam in July 2026. Currently, as discussed above, we pay the NCBE for the cost of the exam materials and that cost comes out of the application fees we collect. The exam materials fee is currently $122 per examinee and will increase to $132 for the July 2024

exam. When we begin administering the NextGen Bar Exam, examinees will pay the NCBE directly for the cost of the exam materials. The NCBE will collect $145 from each examinee. The additional costs for non-standard testing materials will still be paid for by the WSBA.

In addition, examinees are required to pay for the software required to take the exam on their laptops. Currently, examinees pay a fee to the software vendor. The fee collected by the vendor (currently $119) is more than the cost of the software. The vendor in turn rebates a portion of the fee collected to the WSBA to offset the cost of the electrical services at the exam site. Currently, that revenue is approximately $28,000 annually. When we begin administering the NextGen Bar Exam, examinees will pay a technology fee of $149 directly to the NCBE. There will be no rebate from the NCBE so we will not be able to rely on that revenue to offset electrical services when we administer the NextGen Bar Exam.

The total paid by bar exam applicants to the NCBE will be $294 ($145 exam materials + $149 technology), in addition to the application fee paid to the WSBA. By having applicants pay the NCBE directly, they are able to benefit from the NCBE withdrawal/refund policy: the exam and technology fees paid to the NCBE will be refunded, less $50, to examinees who withdraw more than 72 hours prior to the exam. The NCBE refund would be in addition to the refund from the WSBA which would be $195 for general bar exam applicants.

NCBE Investigation Fees

When someone applies for admission who is admitted to practice elsewhere, the WSBA refers their application to the NCBE. The NCBE conducts the background check. The NCBE has the resources, tools, and experience to investigate conduct in other U.S. jurisdictions as well as jurisdictions worldwide. The NCBE collects a separate investigation fee from applicants directly. Depending on whether they are admitted in the U.S. or a foreign country, the NCBE charges different fees.

The current and proposed total costs applicants pay, or will pay, to the WSBA, the NCBE, and the current software vendor are illustrated in the table below.

Total Application Fees and Other Costs Paid by Applicants

	WSBA Application Fee		Software Vendor		NCBE Exam and Technology Fee		NCBE Fee for Investigation	Total Application Fees and Costs		
Application Type	Current	Proposed	Current	NextGen	Current	NextGen	Current	Current	Proposed-UBE	Proposed-NextGen
Bar Exam - General	$ 585	$ 595	$ 119	$ -	$ -	$ 294	$ -	$ 704	$ 714	$ 889
Bar Exam - Attorney	$ 620	$ 645	$ 119	$ -	$ -	$ 294	$ 550	$1,289	$ 1,314	$ 1,489
Bar Exam - Foreign	$ 620	$ 645	$ 119	$ -	$ -	$ 294	$ 925	$1,664	$ 1,689	$ 1,864
UBE Score Transfer - General	$ 585	$ 595	$ -	$ -	$ -	$ -	$ -	$ 585	$ 595	$ 595
UBE Score Transfer - Attorney	$ 620	$ 645	$ -	$ -	$ -	$ -	$ 550	$1,170	$ 1,195	$ 1,195
Admission by Motion	$ 620	$ 970	$ -	$ -	$ -	$ -	$ 550	$1,170	$ 1,520	$ 1,520
House Counsel	$ 620	$ 970	$ -	$ -	$ -	$ -	$ 550	$1,170	$ 1,520	$ 1,520
Foreign Law Consultant	$ 620	$ 970	$ -	$ -	$ -	$ -	$ 925	$1,545	$ 1,895	$ 1,895

Increases to Total Application Fees and Other Costs Paid by Applicants

	Fee and Cost Increases			
	Current vs. Proposed-UBE		Current vs. Proposed-NextGen	
Application Type	Dollars	Percentage	Dollars	Percentage
Bar Exam - General	$ 10	1%	$ 185	26%
Bar Exam - Attorney	$ 25	2%	$ 200	16%
Bar Exam - Foreign	$ 25	2%	$ 200	12%
UBE Score Transfer - General	$ 10	2%	$ 10	2%
UBE Score Transfer - Attorney	$ 25	2%	$ 25	2%
Admission by Motion	$ 350	30%	$ 350	30%
House Counsel	$ 350	30%	$ 350	30%
Foreign Law Consultant	$ 350	23%	$ 350	23%

Fiscal Projections

No Application Fee Increase

If the application fees remain unchanged, the Admissions cost center will continue to have increasing operating deficits. Our projections indicate that after three years of unchanged application fees, the net loss for the cost center will be over ($517,000) with an average of ($290,000) additional net loss each subsequent year for approximately a five-year net loss of $1.1 million. See **Attachment 1** for details.

With Proposed Application Fee Increases as Recommended in Memo

If the application fees are increased as proposed in this memo, then the Admissions cost center is expected to be able to be self-sustaining for approximately the next five years with a projected net income of approximately $153,000 over a three-year period and $20,000 over the five-year period. See **Attachment** 2 for details.

Alternative Scenario #1: No Application Fee Increase for General Bar Exam and UBE Score Transfer Applicants

Under a five-year projection scenario where the application fees for general bar exam and UBE score transfer applicants are left unchanged with the same proposed increase of $25 to the attorney bar exam and UBE score transfer applicants, the fees for admission by motion, house counsel, and foreign law consultants would need to increase by $365 to $985 ($15 more than the recommendation in this memo). See **Attachment 3** for details.

Alternative Scenario #2: No Application Fee Increases; Instead License Fees Subsidize Admissions Cost Center

As requested by the Budget and Audit Committee, we did a five-year projection where all application fees remain unchanged and instead license fees are used to cover the deficits in the Admissions cost center. Under this scenario, active lawyer license fees would need to be about $5 higher for 2025 and gradually increase to about $9 more by 2029. The average active license fee increase needed to cover the five years would be $6.21. See **Attachment 4** for details. Additionally, it was requested that we gather information on what rules and policies may need to be changed if WSBA were to subsidize a portion of the admissions costs. See **Attachment 5** for the analysis provided by our Office of General Counsel.

Based on the increased costs and expenses described above and the projected number of applications, an increase in the application fees is necessary to keep the Admissions cost center self-sustaining. While these projections are based on our best estimates in light of existing data, it is important to acknowledge that the full impact of

forthcoming changes to admission rules and programs cannot be determined at this time. It is therefore possible that the fees will need to be reassessed and changed earlier than planned.

Other Jurisdictions
Based on our research, we found that WSBA's proposed fees are on the lower end of the price range compared to other jurisdictions. Additionally, others are charging a higher fee for their attorney applicants who are seeking admission via Admission by Motion, House Counsel, and UBE Score Transfer, as compared to the bar exam applicants.[1] This is consistent with our proposal as discussed on page one. See the following attachments for comparisons with other jurisdictions:

- Attachment 6: Jurisdiction Comparison Based on Number of Resident Active Lawyers
- Attachment 7: Jurisdiction Comparison Based on Number of Annual Bar Exam Applicants
- Attachment 8: Jurisdiction Comparison Based on Mandatory Bars with 20,000 – 49,999 Members

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Analysis to be provided in Board materials.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact of this proposal is incorporated throughout the memo and financial modeling in attachments were prepared by the Finance department.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

Considerations of equity have been included in this proposal. The considerations include proposing a modest fee increase for applicants who are not admitted elsewhere and a higher increase for applicants who have been practicing elsewhere for at least three years. While not every applicant who has been practicing elsewhere has a higher income than people applying for the first time (and there may be new applicants with more resources), the proposed increase attempts to offer an equitable approach. Another consideration of equity included in the proposal is the intention to pay people fairly for their work including proctors and examiners.
The proposal includes an estimate of license fees subsidizing the admissions cost center instead of increasing admissions fees (see Alternative Scenario #2). Going with this approach could be a way to increase the diversity and inclusion in our legal profession. Data shows that underrepresented and historically marginalized people have an average lower income than people who are overrepresented or are in the majority. If the WSBA aims to increase its diversity, removing barriers including financial ones like the admissions fees, could help make the legal

[1] Some jurisdictions also have a higher application fee for attorney bar exam applicants.

profession more accessible to underrepresented and historically marginalized people.

Another alternative could include creating options for scholarships, waivers or a sliding scale. We realize, however, that this alternative would require significant research and staff time to administer it.

Attachments

1. No Application Fee Increase Five Year Projection
2. Proposed Fee Increase Five Year Projection
3. No Application Fee Increase for General Bar Exam and UBE Score Transfer Applicants Five Year Projection
4. Application Fees Unchanged, Instead Use License Fees Five Year Projection
5. Memo Re: Policies Impacted by Subsidization of Admissions Costs
6. Jurisdiction Comparison Based on Number of Resident Active Lawyers
7. Jurisdiction Comparison Based on Number of Annual Bar Exam Applicants
8. Jurisdiction Comparison Based on Mandatory Bars with 20,000 – 49,999 Members
9. Application fees for all jurisdictions

ATTACHMENT 1

Washington State Bar Association

ADMISSIONS	FISCAL 2024 BUDGET	FISCAL 2025 PROJECTION	FISCAL 2026 PROJECTION	FISCAL 2027 PROJECTION	FISCAL 2028 PROJECTION	FISCAL 2029 PROJECTION
REVENUE:						
EXAM SOFTWARE REVENUE	27,500	27,500	6,800	-	-	-
BAR EXAM FEES	1,160,000	1,088,910	1,093,145	1,093,145	1,093,145	1,093,145
BAR EXAM LATE FEES	55,000	88,200	88,200	88,200	88,200	88,200
HOUSE COUNSEL APPLICATION FEES	45,000	35,960	35,960	35,960	35,960	35,960
RULE 9/LEGAL INTERN FEES	12,000	12,500	12,500	12,500	12,500	12,500
FOREIGN LAW CONSULTANT FEES	1,240	1,240	620	1,240	1,240	1,240
TOTAL REVENUE:	**1,300,740**	**1,254,310**	**1,237,225**	**1,231,045**	**1,231,045**	**1,231,045**
DIRECT EXPENSES:						
EQUIPMENT, HARDWARE & SOFTWARE	1,000	-	-	-	-	-
POSTAGE	1,000	1,000	1,000	1,000	1,050	1,103
STAFF TRAVEL/PARKING	20,000	24,000	30,000	30,000	31,500	33,075
STAFF MEMBERSHIP DUES	400	415	430	445	467	491
SUPPLIES	1,500	2,000	2,500	2,750	2,888	3,032
FACILITY, PARKING, FOOD	94,000	96,820	108,521	111,777	117,366	123,234
EXAMINER FEES	34,000	44,500	42,500	53,000	55,650	58,433
UBE EXMINATIONS	113,000	118,800	33,000	-	-	-
BOARD OF BAR EXAMINERS	39,000	42,000	44,000	46,000	48,300	50,715
BAR EXAM PROCTORS	21,000	23,000	25,000	20,300	21,315	22,381
DISABILITY ACCOMMODATIONS	55,967	57,646	59,375	61,157	64,215	67,426
CHARACTER & FITNESS INVESTIGATIONS	1,000	1,000	1,000	1,000	1,050	1,103
LAW SCHOOL VISITS	1,700	2,200	2,200	2,200	2,310	2,426
DEPRECIATION-SOFTWARE	11,038	-	-	-	-	-
STAFF CONFERENCE & TRAINING	13,500	19,500	20,085	20,688	21,722	22,808
SOFTWARE HOSTING	41,140	44,719	45,390	46,070	46,761	47,462
TOTAL DIRECT EXPENSES:	**449,245**	**477,600**	**415,001**	**396,387**	**414,593**	**433,686**
INDIRECT EXPENSES:						
SALARY EXPENSE	522,057	547,949	573,031	601,521	628,589	656,876
BENEFITS EXPENSE	186,844	178,631	184,802	193,810	202,531	211,645
OTHER INDIRECT EXPENSE	203,278	215,834	222,526	231,747	242,176	253,074
TOTAL INDIRECT EXPENSES:	**912,179**	**942,414**	**980,359**	**1,027,078**	**1,073,297**	**1,121,595**
TOTAL ALL EXPENSES:	**1,361,424**	**1,420,014**	**1,395,360**	**1,423,465**	**1,487,890**	**1,555,281**
NET INCOME (LOSS):	**-60,684**	**-165,704**	**-158,135**	**-192,420**	**(256,845)**	**(324,236)**
FTEs	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***

Net Income (Loss) FY2025-2027 (3 years)	**-516,259**
Net Income (Loss) FY2025-2029 (5 years)	**-1,097,340**

ATTACHMENT 2

Washington State Bar Association

ADMISSIONS	FISCAL 2024 BUDGET	FISCAL 2025 PROJECTION	FISCAL 2026 PROJECTION	FISCAL 2027 PROJECTION	FISCAL 2028 PROJECTION	FISCAL 2029 PROJECTION
REVENUE:						
EXAM SOFTWARE REVENUE	27,500	27,500	6,800	-	-	-
BAR EXAM FEES	1,160,000	1,280,780	1,285,795	1,285,795	1,285,795	1,285,795
BAR EXAM LATE FEES	55,000	98,200	98,200	98,200	98,200	98,200
HOUSE COUNSEL APPLICATION FEES	45,000	56,260	56,260	56,260	56,260	56,260
RULE 9/LEGAL INTERN FEES	12,000	12,500	12,500	12,500	12,500	12,500
FOREIGN LAW CONSULTANT FEES	1,240	1,940	970	1,940	1,940	1,940
TOTAL REVENUE:	**1,300,740**	**1,477,180**	**1,460,525**	**1,454,695**	**1,454,695**	**1,454,695**
DIRECT EXPENSES:						
EQUIPMENT, HARDWARE & SOFTWARE	1,000	-	-	-	-	-
POSTAGE	1,000	1,000	1,000	1,000	1,050	1,103
STAFF TRAVEL/PARKING	20,000	24,000	30,000	30,000	31,500	33,075
STAFF MEMBERSHIP DUES	400	415	430	445	467	491
SUPPLIES	1,500	2,000	2,500	2,750	2,888	3,032
FACILITY, PARKING, FOOD	94,000	96,820	108,521	111,777	117,366	123,234
EXAMINER FEES	34,000	44,500	42,500	53,000	55,650	58,433
UBE EXMINATIONS	113,000	118,800	33,000	-	-	-
BOARD OF BAR EXAMINERS	39,000	42,000	44,000	46,000	48,300	50,715
BAR EXAM PROCTORS	21,000	23,000	25,000	20,300	21,315	22,381
DISABILITY ACCOMMODATIONS	55,967	57,646	59,375	61,157	64,215	67,426
CHARACTER & FITNESS INVESTIGATIONS	1,000	1,000	1,000	1,000	1,050	1,103
LAW SCHOOL VISITS	1,700	2,200	2,200	2,200	2,310	2,426
DEPRECIATION-SOFTWARE	11,038	-	-	-	-	-
STAFF CONFERENCE & TRAINING	13,500	19,500	20,085	20,688	21,722	22,808
SOFTWARE HOSTING	41,140	44,719	45,390	46,070	46,761	47,462
TOTAL DIRECT EXPENSES:	**449,245**	**477,600**	**415,001**	**396,387**	**414,593**	**433,686**
INDIRECT EXPENSES:						
SALARY EXPENSE	522,057	547,949	573,031	601,521	628,589	656,876
BENEFITS EXPENSE	186,844	178,631	184,802	193,810	202,531	211,645
OTHER INDIRECT EXPENSE	203,278	215,834	222,526	231,747	242,176	253,074
TOTAL INDIRECT EXPENSES:	**912,179**	**942,414**	**980,359**	**1,027,078**	**1,073,297**	**1,121,595**
TOTAL ALL EXPENSES:	**1,361,424**	**1,420,014**	**1,395,360**	**1,423,465**	**1,487,890**	**1,555,281**
NET INCOME (LOSS):	**-60,684**	**57,166**	**65,165**	**31,230**	**(33,195)**	**(100,586)**
FTEs	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***

Net Income (Loss) FY2025-2027 (3 years)	**153,561**
Net Income (Loss) FY2025-2029 (5 years)	**19,780**

ATTACHMENT 3

Washington State Bar Association

ADMISSIONS	FISCAL 2024 BUDGET	FISCAL 2025 PROJECTION	FISCAL 2026 PROJECTION	FISCAL 2027 PROJECTION	FISCAL 2028 PROJECTION	FISCAL 2029 PROJECTION
REVENUE:						
EXAM SOFTWARE REVENUE	27,500	27,500	6,800	-	-	-
BAR EXAM FEES	1,160,000	1,278,030	1,283,045	1,283,045	1,283,045	1,283,045
BAR EXAM LATE FEES	55,000	98,200	98,200	98,200	98,200	98,200
HOUSE COUNSEL APPLICATION FEES	45,000	57,130	57,130	57,130	57,130	57,130
RULE 9/LEGAL INTERN FEES	12,000	12,500	12,500	12,500	12,500	12,500
FOREIGN LAW CONSULTANT FEES	1,240	1,970	985	1,970	1,970	1,970
TOTAL REVENUE:	**1,300,740**	**1,475,330**	**1,458,660**	**1,452,845**	**1,452,845**	**1,452,845**
DIRECT EXPENSES:						
EQUIPMENT, HARDWARE & SOFTWARE	1,000	-	-	-	-	-
POSTAGE	1,000	1,000	1,000	1,000	1,050	1,103
STAFF TRAVEL/PARKING	20,000	24,000	30,000	30,000	31,500	33,075
STAFF MEMBERSHIP DUES	400	415	430	445	467	491
SUPPLIES	1,500	2,000	2,500	2,750	2,888	3,032
FACILITY, PARKING, FOOD	94,000	96,820	108,521	111,777	117,366	123,234
EXAMINER FEES	34,000	44,500	42,500	53,000	55,650	58,433
UBE EXMINATIONS	113,000	118,800	33,000	-	-	-
BOARD OF BAR EXAMINERS	39,000	42,000	44,000	46,000	48,300	50,715
BAR EXAM PROCTORS	21,000	23,000	25,000	20,300	21,315	22,381
DISABILITY ACCOMMODATIONS	55,967	57,646	59,375	61,157	64,215	67,426
CHARACTER & FITNESS INVESTIGATIONS	1,000	1,000	1,000	1,000	1,050	1,103
LAW SCHOOL VISITS	1,700	2,200	2,200	2,200	2,310	2,426
DEPRECIATION-SOFTWARE	11,038	-	-	-	-	-
STAFF CONFERENCE & TRAINING	13,500	19,500	20,085	20,688	21,722	22,808
SOFTWARE HOSTING	41,140	44,719	45,390	46,070	46,761	47,462
TOTAL DIRECT EXPENSES:	**449,245**	**477,600**	**415,001**	**396,387**	**414,593**	**433,686**
INDIRECT EXPENSES:						
SALARY EXPENSE	522,057	547,949	573,031	601,521	628,589	656,876
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OTHER INDIRECT EXPENSE	203,278	215,834	222,526	231,747	242,176	253,074
TOTAL INDIRECT EXPENSES:	**912,179**	**942,414**	**980,359**	**1,027,078**	**1,073,297**	**1,121,595**
TOTAL ALL EXPENSES:	**1,361,424**	**1,420,014**	**1,395,360**	**1,423,465**	**1,487,890**	**1,555,281**
NET INCOME (LOSS):	**-60,684**	**55,316**	**63,300**	**29,380**	**(35,045)**	**(102,436)**
FTEs	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***	***6.75***

Net Income (Loss) FY2025-2027 (3 years)	**147,996**
Net Income (Loss) FY2025-2029 (5 years)	**10,515**

ATTACHMENT 4

Estimated Active Attorney Memberships	2025	2026	2027	2028	2029
# of members @ full license fee rate	33,691	34,041	34,391	34,741	35,091
# of members @ 50% license fee rate	1,550	1,550	1,550	1,550	1,550
# of members @ 25% license fee rate	385	385	385	385	385
TOTAL	**35,626**	**35,976**	**36,326**	**36,676**	**37,026**

Estimated Additional License Fees	2025 Additional Fee	2025 Revenue	2026 Additional Fee	2026 Revenue	2027 Additional Fee	2027 Revenue	2028 Additional Fee	2028 Revenue	2029 Additional Fee	2029 Revenue
Full License Fee	$4.80	$ 161,717	$ 4.53	$ 154,206	$ 5.46	$ 187,775	$ 7.22	$ 250,830	$ 9.02	$ 316,521
50% License Fee	$2.40	$ 3,720	$ 2.27	$ 3,511	$ 2.73	$ 4,232	$ 3.61	$ 5,596	$ 4.51	$ 6,991
25% License Fee	$1.20	$ 462	$ 1.13	$ 436	$ 1.37	$ 526	$ 1.81	$ 695	$ 2.26	$ 868
TOTAL ADDITIONAL LICENSE FEE REVENUE		**$ 165,899**		**$ 158,153**		**$ 192,533**		**$ 257,121**		**$ 324,380**
ESTIMATED BUDGET DEFICIT		**$ (165,704)**		**$ (158,135)**		**$ (192,420)**		**$ (256,845)**		**$ (324,236)**
Net Variance		**$ 195**		**$ 18**		**$ 113**		**$ 276**		**$ 144**

AVERAGE INCREASE IN LICENSE FEE 2025-2029	
Full License Fee	$6.21
50% License Fee	$3.10
25% License Fee	$1.55

MEMO

To: WSBA Budget and Audit Committee

From: Catherine Schur, Assistant General Counsel

Date: March 27, 2024

Re: Policies Impacted by Subsidization of Admissions Costs

The WSBA Board of Governors' Budget and Audit Committee has requested information about what rules and policies may need to be changed if the WSBA were to subsidize a portion of admissions costs. This memo describes the current paths to admission, policies that may be relied upon for authority to subsidize admissions costs, and the policies that are potentially impacted by subsidization of admissions.

I. Admission Landscape

The multiple avenues for applying for admission to the Washington Bar can be grouped broadly into two categories: admission by bar exam and non-exam admission. Individuals may apply for admission through the bar exam as one of three applicant types:

Applicant Type	Description	Court Rule	Fee
General Applicant	An applicant who is not eligible for admission by motion or UBE score transfer, has graduated from an approved law school or law clerk program, and has never been admitted to practice law in another jurisdiction.	APR 3(b)	$585
APR 3(b)(4)(B) Applicant	An applicant who has graduated from a university outside the U.S. with a degree that would permit them to practice law in that foreign jurisdiction.	APR 3(b)(4)(B)	$585
Attorney Applicant	An applicant who has previously been admitted to practice law in another jurisdiction but who is not eligible for admission by motion or UBE score transfer.	APR 3(b)	$620

The following types of admission fall within the category of non-exam admission:

Applicant Type	Description	Court Rule	Fee
Attorney admission by motion	A lawyer who is a member in good standing of another U.S. bar and has actively practiced law in three of the last five years may apply for admission by motion.	APR 3(c)(1)	$620
Military spouse admission by motion	A lawyer who is a member in good standing of another U.S. bar and the spouse of an active-duty service member stationed in Washington may apply for admission by motion.	APR 3(c)(2)	$620

Attorney admission by UBE score transfer	A lawyer may be admitted to the Washington Bar by transferring a prior Uniform Bar Exam score if, within the prior 40 months, they have earned a score on the UBE in another jurisdiction that would qualify them for admission in Washington.	APR 3(d)	$585 for general applicants; $620 for attorney applicants
House Counsel	A lawyer who is a member in good standing of another U.S. bar may apply for a limited Washington license for the sole purpose of practicing as in-house counsel for their employer. House counsel admittees are not considered members of the bar.	APR 8(f)	$620
Foreign Law Consultant	A lawyer admitted to practice law in a foreign jurisdiction may apply for a limited Washington license for the sole purpose of advising on foreign law.	APR 14	$620
Licensed Legal Intern	A law student, recent law school graduate, or enrollee in the law clerk program may apply for a limited license to practice under the supervision of a licensed attorney.	APR 9	$50

The WSBA also oversees admission of Limited Practice Officers (LPO) through the Limited Practice Board. LPOs are authorized to prepare documents for use when closing a loan, extending credit, and in the sale or other transfer of real or personal property.[1] LPOs gain licensure by taking an exam administered by the Limited Practice Board and the WSBA. The current exam fee is $200.

II. WSBA Authority to Subsidize Admissions Costs

This section identifies existing statutes, court rules, and WSBA policies that may provide authority for the WSBA to subsidize the cost of admission to the Bar. While these policies likely will not require modification if the Bar elects to subsidize the cost of admission, they may be helpful sources of guidance.

First, the State Bar Act and Washington Supreme Court Rules delegate to the WSBA Board of Governors (BOG) the power to adopt policies affecting admissions fees and the disbursement of Bar funds. The State Bar Act states that "the board of governors shall have power, in its discretion, from time to time to adopt rules [. . .] concerning the collection, the deposit and the disbursement of the membership and admission fees, penalties, and all other funds."[2] The State Bar Act also grants power to the BOG to "adopt rules, subject to the approval of the supreme court, fixing the qualifications, requirements, and procedure for admission to the practice of law."[3]

Like the State Bar Act, the Washington Supreme Court Rules specifically delegate to the WSBA the authority to "[e]stablish the amount of all license, application, investigation, and other related fees" and to "collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be

[1] APR 12(d).

[2] RCW 2.48.050(5).

[3] RCW 2.48.060.

effectively and efficiently discharged."[4] Among those purposes, the court rules include administering "admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member," and the promotion of "diversity and equality in the courts and the legal profession."[5]

The WSBA Bylaws echo the court rules in stating that, among others, the purposes of the WSBA are to promote diversity and equality of the legal profession and to administer admissions in a manner that protects the public and respects the applicant.[6] The Bylaws also authorize the Bar to establish the amount of application fees and to allocate WSBA funds in furtherance of the Bar's mission.[7]

Finally, it should be noted that certain sections of the State Bar Act could be construed to place some limitations on WSBA administration of license and admission fees. Specifically, RCW 2.48.150 prescribes admissions fees of $25 for first time applicants and $50 for applicants already admitted to practice in another jurisdiction. RCW 2.48.150 also states that "admissions fees shall be used to pay the expenses incurred in connection with examining and admitting applicants to the bar, including salaries of examiners, and any balance remaining at the close of each biennium shall be paid to the state treasurer and be by him or her credited to the general fund." Those sections, however, do not appear to be an impediment to subsidizing admission fees.

To begin with, the text of RCW 2.48.150 speaks only to the permissible uses of admissions fees. It places no limitation on the use of any other Bar funds and does not require that admissions activities be funded exclusively through admissions fees.[8] Thus, using license fees or other funds to pay for admissions functions would not run afoul of RCW 2.48.150. In addition, reducing the cost of admission through subsidization would not have an impact on the question of whether the WSBA is obligated to remit excess admissions fees to the Washington State Treasurer. Subsidizing admissions would merely change the amount available to be remitted.[9]

[4] GR 12.2(b)(22).

[5] GR 12.2(6) & (7).

[6] WSBA Bylaws, Art. I.A.6 & 7.

[7] WSBA Bylaws, Art. 1.B.4 & 22.

[8] The WSBA has had a longstanding practice of paying for the cost of admissions exclusively through admissions fees. It is unclear where this practice originated or when it began. This practice has not been adopted by the BOG as a codified policy, nor has it always been followed. For example, a June 2010 budget memo to the BOG indicated that the Admissions cost center was subsidized by $161,800 in license fees. *See* July 2010 BOG Book, June 30, 2010 Memo to BOG re FY 2011 Budget – First Draft, pg. 907. Because this practice has not been set forth in an approved BOG or Court policy, it is not included in section of this memo discussing policies requiring modification.

[9] To the knowledge of WSBA staff, WSBA has never remitted excess admissions funds to the state treasurer. It seems questionable whether the treasurer or legislature would have the power to enforce such a requirement. The Washington Supreme Court does not appear to have addressed this particular provision in RCW 2.48.150, but the Court in *Graham v. State Bar Ass'n*, 86 Wn.2d 624, 632-33 (1976), discussed with approval a Minnesota Supreme Court case that enjoined an attempt by the Minnesota state auditor and treasurer to transfer attorney registration fees into the state's general fund. In that case, the Minnesota

More crucially, Washington Supreme Court caselaw consistently holds that the authority to oversee attorney admission and licensing, including the funding of those functions, lies with the Court and WSBA, not with the legislature. In *Graham v. State Bar Ass'n*, 86 Wn.2d 624 (1976), the Court stated that the WSBA

> is responsible to the Supreme Court, not the legislature or an agency of the executive branch, for the delineation of its responsibilities in the admission, discipline, and enrollment of lawyers. [. . .] With respect to the organization's other programs, it is the Board of Governors, elected by the bar association members, not the legislature, that determines what activities it will engage in. If these programs are not efficiently and adequately managed, the membership can select new board members. There are not legislative standards established for the exercise of discretion in the expenditure of funds by the Board of Governors of the bar. Complete discretion is conferred on the board in the collection and disbursement of all association funds. RCW 2.48.050(5) and (7). These funds are expended for a variety of purposes, not the subject of legislative concern, the sole aim of which is improvement in the quality of the practice of law.[10]

Similarly, in *Seattle v. Ratliff*, 100 Wn.2d 212, 215; 667 P.2d 630, 632 (1983), the Court stated that its "power to regulate the practice of law in this state is [. . .] not only well established but is inviolate as well." The Court has characterized the State Bar Act as simply a recognition of this inherent power.[11] With respect to the collection and use of license fees, the Supreme Court stated that such "[a]nnual dues are collected under the authority of this court, and the existence of a separate statute authorizing the bar to collect the fees does not diminish this court's basic authority to authorize the collection of such dues."[12] This principle would appear to apply equally to the expenditure of those dues to subsidize admissions fees.

III. Policies Implicated by Subsidizing Admissions Costs

The following policies are potentially implicated by subsidization of admission fees:

Category	Citation	Text/Description
Court Rules	APR 3(i)(1)(B), 3(i)(2)	"Every applicant for admission shall: [. . .] (B) Pay upon the filing of the application such fees as may be set by the Board of Governors subject to approval by the Supreme Court." "Refunds of any application fees shall be handled according to policies established by the Bar."

Supreme Court held that legislation directing attorney registration fees to be transferred to the general fund was an unconstitutional "invasion of the legislative branch into functions that are judicial." *Sharood v. Hatfield*, 296 Minn. 416, 429 (1973).

[10] *Graham v. State Bar Ass'n*, 86 Wn.2d 624, 629-30 (1976).

[11] *See Seattle v. Ratliff*, 100 Wn.2d 212, 215; 667 P.2d 630, 632 (1983) ("Recognizing the inherent power of the court [to regulate the practice of law], the Legislature enacted RCW 2.48.")

[12] *Id.* at 630.

	APR 8(f)	House counsel applicants, "shall apply by [. . .] paying the application fees required of lawyer applicants for admission under APR 3."
	APR 9(d)(3)	For licensed legal intern applications, "[f]ull payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to approval by the Supreme Court."
	APR 14(b)(1)(vii)	"To qualify as a Foreign Law Consultant applicant for admission to the limited practice of law in the State of Washington as provided in these rules, a person must [. . .] [p]ay upon the filing of the application a fee equal to that required to be paid by a lawyer applicant to take the lawyer bar examination."
WSBA Policy	201 Admissions Policies of the Washington State Bar Association (Feb. 1, 2022)	Policies adopted by the BOG to administer the Washington Supreme Court's Admission and Practice Rules. Includes policies for admission fees.

The WSBA Admissions Policies will likely be the primary document requiring modification if the WSBA subsidizes admissions fees. Depending on the structure of the subsidization, however, it is possible the court rules listed above may need to be amended.

Jurisdiction	UBE?	Active Resident Lawyers	Bar Exam - General	Bar Exam - Attorney	Admission by Motion	House Counsel
Georgia	No	33,890	946	1780	1300 + NCBE = 1850	n/a
Washington	Yes	26,300	585	620 + NCBE = 1170	620 + NCBE = 1170	620 + NCBE = 1170
North Carolina	Yes	26,274	850	1650	2000	n/a
Minnesota	Yes	26,065	600	1050	1150	1150
Maryland	Yes	26,020	750	750	700 + NCBE = 1250	n/a
Missouri	Yes	24,613	1045	1045	1240	1240
Virginia	No	23,855	1150	1150	2500	1500
Colorado	Yes	22,802	710	710	1800	1000

Jurisdiction	UBE?	Bar Exam Applicants	Bar Exam - General	Bar Exam - Attorney	Admission by Motion	House Counsel
Tennessee	Yes	1,008	625 + NCBE = 1175	625 + NCBE = 1175	1100 + NCBE = 1650	600
Colorado	Yes	960	710	710	1800	1000
Puerto Rico	No	908	250	250	n/a	n/a
Washington	Yes	888	585	620 + NCBE = 1170	620 + NCBE = 1170	620 + NCBE = 1170
Michigan	Yes	880	775	775	1175	1175
Missouri	Yes	854	1045	1045	1240	1240
Alabama	Yes	808	575 + NCBE = 1125	575 + NCBE = 1125	875 + NCBE = 1425	725
Minnesota	Yes	748	600	1050	1150	1150

Jurisdiction	UBE?	Mandatory Bar Total Members	Bar Exam - General	Bar Exam - Attorney	Admission by Motion	House Counsel
Oregon	Yes	20,000	750	1350	1175	1175
Louisiana	No	23,000	850	975	n/a	975
Arizona	Yes	24,000	580 + NCBE = 1130	580 + NCBE = 1130	1800	345
Wisconsin	No	25,000	450	450	850	250
North Carolina	Yes	30,000	850	1650	2000	n/a
Missouri	Yes	30,000	1045	1045	1240	1240
Michigan	Yes	42,000	775	775	1175	1175
Washington	Yes	42,000	585	620 + NCBE = 1170	620 + NCBE = 1170	620 + NCBE = 1170

Jurisdiction	General Bar Exam Fee	Attorney Bar Exam Fee	Exam Late Fee	Exam Refund	UBE Score Transfer	Motion	FLC	House Counsel	Military Spouse
Alabama	575 + NCBE	575 + NCBE	No Late Filing	No Refunds	$875 + NCBE	$875.00	Does not offer licensure	$725.00	$875 + NCBE
Alaska	$850.00	$800.00	25-100	Partial Refund	$1,000.00	$1,500.00	$1,000.00	Does not offer licensure	$0.00
Arizona	$580 + NCBE +$125 Component	$580 + NCBE +$125 Component	$100.00	$50.00	$675 + $200 Component Exam	$1,800.00	$825.00	$345.00	$259 - $379
Arkansas	$1,000.00	$1,000.00	No Late Filing	No Refunds	$1,500.00	$1,500.00	Does not offer licensure	Does not offer licensure	$500.00
California	$850.00	$1,500.00		Partial - if done within 30 days from applying	Not a UBE State	Does not offer licensure	$1,135.00	$1,400.00	$1,400.00
Colorado	$710.00	$710.00	$200.00	No Refunds	$810.00	$1,800.00	$1,000.00	$1,000.00	$500.00
Connecticut	$800.00	$800.00	$100.00	No Refunds	$750.00	$1,800.00	$500.00	$1,000.00	$750.00
Delaware	$900.00	$1,000.00	$200.00	No Refunds	Not a UBE State	Does not offer licensure	$1,000.00	$100.00	$100.00
District of Columbia	$100 + NCBE	$100 + NCBE	$210.00	No refund/ but can be used for future application	$418 + NCBE	$418 + NCBE	$450 + NCBE	Does not offer licensure	Does not offer licensure
Florida	$1,000.00	$1600 - $3000	$400.00	No Refunds	Not a UBE State	Does not offer licensure	$750 + NCBE	$1,600.00	$1,000.00
Georgia	$450-$750 + NCBE	$1,200.00	$800.00	2/3rd refund not including late fee	Not a UBE State	$2,500.00	$1,000.00	Does not offer licensure	$0.00
Hawaii	$500 + NCBE	$500 + NCBE	No Late Filing	No Refunds	Not a UBE State	$500 + NCBE	$500 + NCBE	Does not offer licensure	$500 + NCBE
Idaho	$600.00	$800.00	$200.00		$600 / $800	$1,000.00	$690.00	$800.00	$690.00
Illinois	$950-$1450	$950-$1450	No Late Filing	No Refunds	$1,500.00	$1,500.00	$800.00	$1,500.00	$0.00
Indiana	$250.00	$250.00	$500.00	No Refunds	$500 + NCBE	$875.00	$875.00		$0.00
Iowa	$800.00	$800.00	No Late Filing	No refunds	$900 + NCBE	$900 + NCBE	$800 + NCBE	$1000 + NCBE	Does not list application fee.
Kansas	$700.00	$700.00	$200.00	No Refunds	$1,250.00	$1,250.00	Does not offer licensure	$1,250.00	$1,250.00
Kentucky	$875 - $1375	$1200 - $1700	$300.00	No Refunds	$875 - $1200	$1,500.00	Does not offer licensure	$1,500.00	$875.00
Louisiana	750-875	$875.00	$750.00		Not a UBE State		Does not offer licensure	$975.00	Does not offer licensure
Maine	$600.00	$650 + NCBE	$300.00	No Refunds	$900 + NCBE	$900 + NCBE	Does not offer licensure	Does not offer licensure	Does not offer licensure
Maryland	$750.00	$750.00	$275.00	No Refunds	$750 + NCBE	$700 + NCBE	Does not offer licensure	Does not offer licensure	$10.00
Massachusetts	$815.00		No Late Filing	No Refunds	$815.00	$1015 + NCBE	$510.00	$300.00	$0.00
Michigan	$775.00	$775.00	$100.00	No Refunds	$400 + NCBE	$800 + NCBE	$800 + NCBE	$800 + NCBE	$800 + NCBE
Minnesota	$600.00	$1,050.00	$200.00	$150 Refund	$1,150.00	$1,150.00	$1,200.00	$1,150.00	Does not offer licensure
Mississippi	$525.00	$825 + NCBE	$200.00	No Refunds	Not a UBE State	$1500 + NCBE	Does not offer licensure	Does not offer licensure	Does not offer licensure
Missouri	$485.00	$910.00	$200.00	No Refunds	$1,240.00	$1,240.00	$1,400.00	$1,240.00	$1,240.00
Montana	$620 + NCBE	$874.00	$100.00	No Refunds	$155 / $410 + NCBE	$2500 + NCBE	Does not offer licensure	Does not offer licensure	Does not offer licensure
Nebraska	$490.00	$490.00	$150.00	Partial	$925.00	$925.00	Does not offer licensure	$700.00	$462.50
Nevada	$700.00	$1,000.00	$550.00	No Refunds	Not a UBE State	Does not offer licensure	Does not offer licensure	$1,000.00	$1,000.00
New Hampshire	$725.00	$725.00	No Late Filing		$725.00	$1,225.00	$1,200.00	Does not offer licensure	Does not list application fee.
New Jersey	$675.00	$675.00	$275 - $525	No Refunds	$675.00	$1,500.00	$675.00	$750.00	$675.00
New Mexico	$500.00	$1,000.00	$275.00	No Refunds	$500 - $1000 + NCBE	$2500 + NCBE	$1,000.00	Does not offer licensure	$250 + NCBE
New York	$250-$750	$250-$750	No Late Filing	No Refunds	$250 / $750	$400.00	Does not offer licensure	Does not offer licensure	Does not list fee
North Carolina	$850.00	$1,650.00	$250.00	$75.00	$1275 / $1500	$2,000.00	$1,500.00	Does not offer licensure	$1,500.00
North Dakota	$150 + NCBE	$150 + NCBE	$100.00		$400 + NCBE	$400 + NCBE	$380.00	$380.00	$380.00
Ohio	$452.00	$452.00		No Refunds	$750.00	$1500 + NCBE	$550.00	Does not offer licensure	$75 + NCBE
Oklahoma	$650 + NCBE	$1250 + NCBE	$150.00	No Refunds	$1,250.00	$2000 + NCBE	Does not offer licensure	750 + NCBE	$0.00
Oregon	$750.00	$1,350.00	$375.00	$375.00	$750 / $1150	$1,750.00	$1,175.00	$2,500.00	$1,175.00
Pennsylvania	$650.00	$650.00	$150 -$650	No Refunds	$650 + NCBE	$1,325.00	$650 + NCBE	$1,325.00	$0 + NCBE
Rhode Island	$975.00	$1475 + NCBE	$300.00	No Refunds, but can defer	$975 - $1475	Does not offer licensure	Does not offer licensure	$200.00	
South Carolina	$1000 - $1500	$1750 - $2250	$500.00	No Refunds	$1000 - $1750	$400.00	$1,000.00	$400.00	$0.00

South Dakota	$450 + NCBE	$500 + NCBE	No Late Filing	No Refunds	Not a UBE State	$650 + other fees	Does not offer licensure	Does not offer licensure	$0.00
Tennessee	$625 + NCBE	$625 + NCBE	No Late Filing	$150.00	$625 + NCBE	$1100 + NCBE	$800.00	$800.00	$375 + NCBE
Texas	$300 - $1140	$1040 -$ 1140	$150-$300	No Refunds	$490 - $1040	$890.00	$990.00	Does not offer licensure	$0.00
Utah	$550.00	$850.00	$150-$300	No Refunds	$550 - $850	$850.00	$850.00	$850.00	$425.00
Vermont	$300 + NCBE	$300 + NCBE	$50.00	No Refunds	$525.00	$800 + NCBE	Does not offer licensure	Does not offer licensure	Does not offer licensure
Virginia	$1,150.00	$1,150.00	No Late Filing	No Refunds	Not a UBE State	$2,500.00	1500 + NCBE	$1,500.00	$400.00
Washington	$585.00	$620 + NCBE	$300.00	$285 / $320	$585 / $620 + NCBE	$620 + NCBE	$620 + NCBE	$620 + NCBE	$620.00
West Virginia	$500 + NCBE	$800 + NCBE	$200.00		$750 + NCBE	2000 + NCBE	Does not offer licensure		$150 + NCBE
Wisconsin	$450.00	$850.00	$400.00	No Refunds	Not a UBE State	$850.00	Does not offer licensure	$250.00	Does not offer licensure
Wyoming	$600 + NCBE	$600 + NCBE	No Late Filing	No Refunds	$800 + NCBE	$600 + NCBE	Does not offer licensure	Does not offer licensure	$600 + NCBE

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Renata de Carvalho Garcia, Chief Regulatory Counsel

Bobby Henry, Associate Director for Regulatory Services

DATE: April 9, 2024

RE: Suggested Amendments to APR 3(b) – Qualifications for Lawyer Bar Examination

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ACTION: Chief Regulatory Counsel recommends the Board of Governors approve suggested amendments to APR 3(b), relating to the bar exam qualifications for persons with a law degree from a non-ABA approved law school, and direct staff to submit the suggested amendments to the Washington Supreme Court.

Issue Summary

APR 3(b)(4) applies to persons who have acquired a law degree from a non-ABA approved law school, from either within the United States or another country. Such persons qualify to apply for the bar exam if they earn an "LL.M. degree for the practice of law." In order to earn the "LL.M. degree for the practice of law" the student must complete minimum required instruction on principles of domestic United States law.

At issue here is the scenario where an individual earns an LL.M. degree without the minimum instruction on principles of domestic United States law and later, due to changes in the individual's life circumstances, needs or wants to apply for admission in Washington. The suggested amendments seek to resolve this barrier to admission by permitting an individual who has a deficient LL.M. degree to supplement the LL.M. degree by completing additional instruction on principles of domestic United States law outside the LL.M. degree program.

Background

APR 3(b)(4) became effective on January 1, 2014, marking the first time Washington admission rules allowed an individual with a JD from a non-ABA law school, or a person with a law degree from a nation not part of the English Commonwealth, to apply for the bar exam. To qualify to apply for the bar exam, the individual must earn an "LL.M. degree for the practice of law" at an ABA-approved law school. The LL.M. degree must include at least 12,000 minutes of instruction on principles of domestic United States law. APR 3(b)(4) sets forth the specific subjects that must be included in that instruction.

Since adoption of the rule, the WSBA has regularly received inquiries from people who have earned LL.M. degrees, but their LL.M. degrees do not have the minimum instruction on principles of domestic United States law. The WSBA has learned that many of these individuals seek admission in Washington due to a change in their life circumstances. For whatever reason, when they earned their LL.M. they had no intention of seeking admission in Washington. Then something happened which required them to travel down a different life path such as national regime change, raising a family, relocating to Washington, changing careers, etc. and they find themselves in need of admission in Washington.

The WSBA communicates frequently with the University of Washington School of Law's LL.M. program on admission application issues. The UW School of Law reports that often times only one or two additional courses

would cause the deficient LL.M. to be in compliance with APR 3(b)(4). We have been collaborating with the UW School of Law on a solution to this barrier for admission. Should the Board approve the suggested amendments, the UW School of Law will join the WSBA as a co-proponent when submitting the suggested amendments to the Washington Supreme Court.

The suggested amendments to APR 3(b) would add a provision to subsection (4) that would allow an individual with an LL.M. degree in any subject (as opposed to the specific LL.M. degree for the practice of law) to supplement their LL.M. degree with additional instruction needed to meet the minimum instruction in principles of domestic United States Law. Both the LL.M. degree and the supplemental instruction must be completed at an ABA-approved law school but not need be the same law school.

In addition, the suggested amendments would add "as a lawyer or the equivalent" in APR 3(b)(4)(B). This phrase clarifies that the law degree earned in the foreign jurisdiction must qualify them to practice law as a lawyer, or the equivalent, rather than a law degree that would qualify them for a limited license to practice law in that jurisdiction.

Finally, there is a technical correction to the numbering in the final part of APR 3(b)(4).

Information for Fiscal Analysis

- *A slight increase to admissions revenue*
- *Small expense to update the admissions software*

Information for Equity Analysis

- *Reduces barrier to admission for those who cannot afford ABA law school*
- *Reduces barrier for those applicants who did not receive their primary law degree in the United States*

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Provided as confidential materials.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The proposed amendments would have fiscal impact on both revenues and expenses for the WSBA. Bar Exam Fees revenue could increase from additional application fees charged to individuals who were previously unable to qualify for examination and if those individuals pass the exam and are admitted to practice in Washington, it will result in additional license fee revenue for the duration of their WSBA membership. While we do not have exact figures for the estimated number of people that would apply or become admitted, we do not expect a high volume (less than 10 applicants per year and those licensed would be even fewer based on a lower average bar exam pass rate for this

applicant group). The bar exam application fee is $585 for a general applicant not admitted to any jurisdiction[1], and the annual license fee for an active lawyer is $458[2]. Expenses include the cost to update software used for admission applications (approximately $150), and WSBA staff time used to prepare this proposal and incorporate approved amendments to the relevant records. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. It appears that RSD's proposal is informed by people directly impacted by the current rule – both impacted people who have contacted the WSBA directly and from the University of Washington School of Law who have been in communication with LL.M. graduates. RSD has taken into account impacted people and are proposing changes to produce fairer outcomes. Based on our review, there do not appear to be any concerns about inequitable outcomes.

Attachments

1. Suggested Amendments to APR 3(b) – Redline Version
2. Suggested Amendments to APR 3(b) – Clean Version

[1] The May 2-3, 2024 Board of Governors meeting agenda includes a proposal to increase fees charged for admission. If approved, the general applicant fee would be $595.

[2] License fees are pro-rated based on admission date. The current fee of $458 is for active lawyers admitted prior to 2022, and $229 for active lawyers admitted in 2022 or 2023.

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) [Unchanged.]

(b) Qualification for Lawyer Bar Examination. To qualify to sit for the lawyer bar examination, a person must not be eligible for admission by motion or UBE score transfer and must present satisfactory proof of:

(1) graduation with a Juris Doctor (JD) degree from a law school approved by the Board of Governors; or

(2) completion of the law clerk program prescribed by these rules; or

(3) graduation from a university or law school in any jurisdiction where the common law of England is the basis of its jurisprudence with a degree in law that would qualify the applicant to practice law in that jurisdiction and admission to the practice of law in that same or other jurisdiction where the common law of England is the basis of its jurisprudence, together with current good standing and active legal experience for at least three of the five years immediately preceding the filing of the application; or

(4) graduation with a Master of Laws (LL.M.) degree for the practice of law as defined below and either:

(A) graduation with a JD degree from a United States law school not approved by the Board of Governors, or

(B) graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law <u>as a lawyer or the equivalent</u> in that jurisdiction.

"LL.M. degree for the practice of law" means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:

(~~A~~i) a minimum of 2080 minutes in United States Constitutional Law, including principles of separation of powers and federalism:

(~~B~~ii) a minimum of 2080 minutes in the civil procedure of state and federal courts in the United States;

(~~C~~iii) a minimum of 1400 minutes in the history, goals, structure, values, rules and responsibilities of the United States legal profession and its members; and

(~~D~~iv) a minimum of 1400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.

Applicants who graduated with a Master of Laws (LL.M.) degree from a law school approved by the Board of Governors but whose degree program did not include completion of the total instruction required for the LL.M. degree for the practice of law as set forth in this subsection, may qualify to sit for the lawyer bar examination by providing satisfactory proof that they have completed supplemental coursework at one or more law schools approved by the Board of Governors sufficient to satisfy the total required instruction as set forth above.

(c) – (i) [Unchanged.]

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) [Unchanged.]

(b) Qualification for Lawyer Bar Examination. To qualify to sit for the lawyer bar examination, a person must not be eligible for admission by motion or UBE score transfer and must present satisfactory proof of:

(1) graduation with a Juris Doctor (JD) degree from a law school approved by the Board of Governors; or

(2) completion of the law clerk program prescribed by these rules; or

(3) graduation from a university or law school in any jurisdiction where the common law of England is the basis of its jurisprudence with a degree in law that would qualify the applicant to practice law in that jurisdiction and admission to the practice of law in that same or other jurisdiction where the common law of England is the basis of its jurisprudence, together with current good standing and active legal experience for at least three of the five years immediately preceding the filing of the application; or

(4) graduation with a Master of Laws (LL.M.) degree for the practice of law as defined below and either:

(A) graduation with a JD degree from a United States law school not approved by the Board of Governors, or

(B) graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law as a lawyer or the equivalent in that jurisdiction.

"LL.M. degree for the practice of law" means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:

(i) a minimum of 2080 minutes in United States Constitutional Law, including principles of separation of powers and federalism:

(ii) a minimum of 2080 minutes in the civil procedure of state and federal courts in the United States;

(iii) a minimum of 1400 minutes in the history, goals, structure, values, rules and responsibilities of the United States legal profession and its members; and

(iv) a minimum of 1400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.

Applicants who graduated with a Master of Laws (LL.M.) degree from a law school approved by the Board of Governors but whose degree program did not include completion of the total instruction required for the LL.M. degree for the practice of law as set forth in this subsection, may qualify to sit for the lawyer bar examination by providing satisfactory proof that they have completed supplemental coursework at one or more law schools approved by the Board of Governors sufficient to satisfy the total required instruction as set forth above.

(c) – (i) [Unchanged.]

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Renata Garcia de Carvalho, Chief Regulatory Counsel

DATE: April 9, 2024

RE: Suggested Amendments to APR 3(c) – Lawyer Admission by Motion

---

ACTION: As part of the Bar Licensure Task Force Recommendations, the Board of Governors is asked to approve suggested amendments to APR 3(c) with direction for staff to submit the suggested amendments to the Washington Supreme Court.

Background

The Washington Supreme Court established the Washington Bar Licensure Task Force (WBLTF) on November 20, 2020. The purpose of the task force was to evaluate and assess the efficacy of the Washington state bar licensure requirements and, where appropriate, propose alternatives. The WBLTF presented its recommendations regarding the creation of alternative paths to licensure to the WSBA Board of Governors at the Board's January 12-13, 2024 meeting. Those recommendations included a proposal to reduce to one year the active practice time required for out-of-state licensed attorneys to be eligible to apply for admission by motion to the Washington Bar. By a vote of eight to five, the Board of Governors voted to support of the WBLTF recommendations.

On March 15, 2024, the Washington Supreme Court entered order 27500-B-711 adopting, among others, the WBLTF's recommendation that the practice time required for admission by motion be shortened to one year. The Court has tasked the WSBA with proposing the rule changes necessary to implement the March 15, 2024 order. The purpose of the suggested amendments to APR 3(c) is to implement the Washington Supreme Court's adoption of the WBLTF recommendation regarding practice time for admission by motion.

Proposed Amendments

To qualify for admission by motion to the Washington State Bar Association, current APR 3(c) requires that lawyers admitted to practice law in other states, territories, or the District of Columbia have active legal experience[1] for at least three of the five years preceding the filing of an application for admission. The WBLTF recommended that out-of-state licensed lawyers instead be eligible for admission by motion after one year of active practice. In accordance with the Court's order and the WBLTF recommendation, the suggested amendments reduce the active legal experience required for admission by motion to at least one year of active practice within the three years preceding the application for admission.

The WBLTF recommendations do not suggest a period of time within which the qualifying experience must have occurred. The suggested amendments, therefore, propose that the one year of practice must have occurred within the preceding three years. A period of less than three years would disproportionately exclude individuals whose practice may have been interrupted by periods of leave for medical reasons and parents, especially women, who may have taken parental leave. For instance, requiring that the applicant have actively practiced for the full year immediately preceding the application would disqualify a lawyer with more than one year of legal experience, but

[1] "Active legal experience" is defined in APR 1(e).

who had taken four months of parental leave within the twelve months preceding the application. Conversely, requiring one year of experience within a period of time greater than three years is not likely to ensure an applicant has sufficient recent experience for admission.

The suggested amendments would also eliminate the duplicative first sentence of APR 3(c) and correct a typographical error.

Information for Fiscal Analysis
Provide information to help inform the Fiscal Analysis.

- *This is an existing process in RSD and the active legal experience requirement is not built into the application system. Accordingly, we anticipate no expenses if implemented.*
- *Because it is a significant reduction in the active legal experience requirement, we anticipate an increase in the number of applications in the first year or two after implementation before leveling off at a slightly higher number of applications than we would have had if the change were not implemented. Accordingly, we expect increased revenue for the admissions cost center.*

Information for Equity Analysis
Provide information to help inform the Equity Analysis:

- *This change will allow more people to apply for admission in Washington, primarily from the 15 U.S. jurisdictions which do not administer the Uniform Bar Exam.*

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Provided as confidential materials.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The proposed amendments would have limited fiscal impact on both revenues and expenses for the WSBA. It is possible that there would be an increase in the number of people who would be seeking admission in Washington sooner than planned because of the proposed amendment. While we cannot predict the number of people, the potential revenue would be based on the current fee for Admission by Motion of $620 (the fee is currently proposed to increase to $945[2]). There may be additional revenue for attorneys who currently apply to sit for the exam but would now be eligible for Admission by Motion. On average there are approximately 130 attorney applicants who sit for the exam each year, of which approximately 15% (20 people) would be eligible under the proposed amendment. Under the current fee structure, both attorney applicants and Admission by Motion applicants pay the same fee ($620), however the proposed fees are different, $620 for attorney applicants and $945 for Admission by

[2] The May 2-3, 2024 Board of Governors meeting agenda includes a proposal to increase fees charged for admission.

Motion applicants. Under the current fee structure, there would be no fiscal impact, whereas under the new fee structure there could be additional revenue of approximately $6,500.

There is no change to staff time needed to administer the application process, however there is WSBA staff time used to prepare this proposal and incorporate approved amendments to the relevant records. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

It appears that the proposed amendments will create more access to the legal profession for the reasons outlined in the BLTF's recommendations and this memo. The reasoning for requiring the one-year of practice occurring within the preceding three years aims to make this option more inclusive for people who may have to take periods of leave balanced with ensuring the applicants have sufficient recent legal practice experience. Given that there may not be an exact science to determining the range of years, we encourage an evaluation plan be created to measure the impact of this change including any unintended consequences and whether impacted groups benefit or are burdened.

Attachments
Suggested Amendments to APR 3(c), redline
Suggested Amendments to APR 3(c), clean copy
Washington Supreme Court Order 27500-B-711
Washington Bar Licensure Task Force February 28, 2024 Proposal for the Future of WA State Bar Admissions

TITLE

ADMISSION AND PRACTICE RULES

RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) – (b) [Unchanged.]

(c) Lawyer Admission by Motion. ~~Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:~~

(1) Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:

(A) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the date thereof, and current good standing or the equivalent; and

(B) present satisfactory proof of active legal experience for at least ~~three~~one of the ~~five~~three years immediately preceding the filing of the application.

(2) *Military Spouse Admission by Motion*. [Unchanged]

(d) – (i) [Unchanged.]

TITLE

ADMISSION AND PRACTICE RULES

RULE 3. APPLICANTS FOR ADMISSION TO PRACTICE LAW

(a) – (b) [Unchanged.]

(c) Lawyer Admission by Motion.

(1) Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:

(A) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the date thereof, and current good standing or the equivalent; and

(B) present satisfactory proof of active legal experience for at least one of the three years immediately preceding the filing of the application.

(2) *Military Spouse Admission by Motion*. [Unchanged]

(d) – (i) [Unchanged.]

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF THE RECOMMENDATIONS OF THE WASHINGTON BAR LICENSURE TASK FORCE	)))))	**O R D E R** NO. 25700-B-711

WHEREAS, on November 20, 2020, the Washington Supreme Court issued an order and charter creating the Washington Bar Licensure Task Force (WBLTF) to assess the efficacy of the Washington state bar licensure requirements for licensing lawyers, to consider alternatives to the current licensure requirements, and to analyze potential alternatives; and

WHEREAS, on October 11, 2023, the WBLTF presented its Proposal for the Future of Washington State Bar Admissions to the Court (Proposal); and

WHEREAS, the Proposal was updated on February 28, 2024 following a period of public comment (Updated Proposal); and

WHEREAS, the Updated Proposal incudes seven recommendations for changes to Washington's current attorney licensure pathways; and

WHEREAS, the recommendations related to adoption of the NextGen Bar Exam and the UBE passing score are addressed in a separate order; and

WHEREAS, the remaining recommendations require rule changes before they can be implemented;

NOW, THEREFORE, pursuant to the Court's inherent power over admission to practice law, it is hereby

ORDERED:

Recommendations two through six of the Updated Proposal relating to graduate apprenticeships, law school experiential pathways, APR 6 apprenticeships, alternative assessments and interventions, and reciprocity are adopted in concept.

The Executive Director of the Washington State Bar Association shall convene and support an implementation committee to propose rule changes and identify next steps necessary to implement the recommendations.

DATED at Olympia, Washington this 15th day of March, 2024.

González C.J.
CHIEF JUSTICE

Washington State Bar Licensure Task Force

A Proposal for the Future of WA State Bar Admissions Updated Following Public Comment February 28, 2024

Contents

A Proposal for the Future of WA State Bar Admissions

Mission/Purpose

The Washington Bar Licensure Task Force (WBLTF) was created in November 2020 with the goal to "evaluate & assess the efficacy of the Washington state bar licensure requirements for licensing lawyers and whether the [WA State Supreme Court] should consider alternatives to the current licensure requirements, and to analyze those potential alternatives." This proposal outlines the work that has been done in evaluating the bar licensure requirements and recommends reforms to the licensure process. This proposal gives the Washington Supreme Court more responsibility for and control over entry into the legal profession in order to: protect the public and improve trust in the legal profession, advance the cause of diversity equity and inclusion, facilitate lawyer competency, and reduce barriers to entry into the legal profession.

Summary of Updates to the Previous Proposal, Following Review of Public Comments

On October 11, 2023, the WBLTF presented its Proposal for the Future of Washington State Bar Admissions to the Court. The Proposal included seven recommendations for changes to the state's current attorney licensure pathways and four changes to the scope and procedural rules for the character and fitness assessment. The Court made the Proposal available to the public and invited the public to comment on the recommendations by emailing an address that the WSBA monitored. The public comment period began on October 11, 2023, and concluded on January 11, 2024. 73 comments were received from an array of sources, including attorneys practicing in Washington State, current or past APR 6 Law Clerks, law students and recent graduates, legal aid and volunteer legal services representatives, and law professors. The WSBA made the comments available to the WBLTF and provided a brief summary of the comments for the Task Force's review. Upon reviewing the comments, the Task Force has addressed those clustered around three recommendations: (1) the timing of the adoption of the NextGen Bar Exam; (2) the APR 6 Law Clerk Apprenticeship; and (3) revisions to the Character and Fitness review. Immediately below, please find a brief summary of the Task Force's responses to the public comments. And further below, where appropriate, the Task Force has updated other portions of this proposal to reflect its reflections and responses to the public comments.

NextGen Bar Exam Adoption

The Task Force's Proposal recommended that the Court maintain a bar exam as a pathway to attorney licensure, and that the Court adopt the NextGen Bar Exam for administration when it first becomes available in July 2026. Several writers, including prominent law professors who

are involved in the attorney licensure reform movement, recommended delaying the adoption of the NextGen Exam until 2027 or 2028 to give law schools more time to prepare graduates for the new exam and to give the NCBE time to refine the exam and work out any issues with its administration. The comments resonated with the Task Force. We suggest the Court delay adopting the exam until 2027. Law school representatives on the Task Force emphasized the importance of getting clarity on when Washington State will begin administering the NextGen Exam. The sooner law schools know when the state will adopt the exam, the better.

Character and Fitness Review

The Task Force's Proposal recommended the following changes to the Character and Fitness assessment: (1) changes to APR 21 and 24.1, which govern the scope and burden of proof for the character and fitness assessment; (2) the implementation of a conditional admission process; (3) adjusting the timing of the character and fitness review process; and (4) creating an information resource for applicants and assigned counsel ombudsperson. The Task Force publicly and privately received comments about the recommendations from individuals and organizations. The feedback overwhelmingly supports the recommendations and included multiple offers to join any future work groups or task forces created by the Court to conduct review and analysis of the areas seeking additional change. These offers came from scholars from around the country to current and former members of the Washington Character and Fitness Board.

Next Steps

Should the Court approve any recommendation, the Task Force urges the Court to appoint an implementation committee to flesh out the details of the recommendation and propose relevant rules changes.

Executive Summary

The best available data indicates that the bar exam disproportionately and unnecessarily blocks historically marginalized groups from entering the practice of law.[1] In addition to the racism and classism written into the test itself[2] the time and financial costs of the test reinforce

[1] While most states do not report demographic data on bar passage, the ABA recently conducted a study of first time test takers which showed that in 2021 white graduates were almost 40% more likely to pass the bar exam than Black graduates. https://www.americanbar.org/news/abanews/aba-news-archives/2022/05/new-aba-data-breaks-down-bar-pass-rates/?login Even worse, a similar study from LSAC in 1998 shows that the racial disparity in bar exam pass rates has remained virtually unchanged in the last 25 years despite numerous efforts from NCBE and state bar regulators to remove racial bias from the bar exam. https://archive.lawschooltransparency.com/reform/projects/investigations/2015/documents/NLBPS.pdf Those statistics are consistent with reports from states that do publish demographic data. https://www.calbar.ca.gov/Admissions/Law-School-Regulation/Exam-Statistics

[2] The creation of the bar exam coincided with the first Civil Rights Act in 1875. After three Black lawyers were unintentionally granted membership in the ABA in 1914, their membership was revoked and a meeting was convened to discuss keeping the profession "pure." A mandatory bar exam was part of the proposed solution.

historical inequities in our profession.[3] Despite these issues, data indicates that the bar exam is at best minimally effective for ensuring competent lawyers.[4] Among the deficiencies and common complaints about the bar exam is that it bears little resemblance to actual practice and tends to simply restate the same results already provided by law school grades.[5]

For these reasons and others the WBLTF proposes creating additional, experiential pathways to bar licensure that protect the public by improving lawyer skills while reducing the unproductive barriers for historically marginalized groups to enter the profession. This proposal would have a substantial positive impact[6] on the profession using the existing infrastructure in law schools and WSBA.[7]

The following seven pieces of this recommendation are outlined in detail below: 1) maintain the bar exam in its current form for those who choose to take it while advancing the cause of improvement to the bar exam; 2) create an experiential pathway to practice for law school graduates; 3) create an experiential pathway to practice for law school students; 4) create an experiential pathway to practice for APR 6 clerks; 5) recommend that WSBA research, with the goal of implementation, assessments that identify strengths and growth areas for lawyers and specific training programs that can be implemented throughout the course of a lawyer's

George B. Shepherd, "No African-American Lawyers Allowed: The Inefficient Racism of the ABA's Accreditation of Law Schools," 53 J. of Legal Education 103 (2003)

South Carolina maintained diploma privilege until 1950 when the first class of students were set to graduate from a Black law school at which time the bar exam was made mandatory to prevent "negroes and some undesirable whites" from entering the profession. Michael Boylan, The Ethics of Teaching (2006).

Carl Brigham, creator of the SAT and leader of the American Eugenics Society, designed and used intelligence tests to argue that "[t]he decline of American intelligence will be more rapid than the decline of the intelligence of European national groups, owing to the presence here of the negro ... The deterioration of American intelligence is not inevitable, however, if public action can be aroused to prevent it." As Wayne Au of the University of Washington put it, "the assumptive objectivity of standardized testing was thus used to 'scientifically' declare the poor, immigrants, women, and nonwhites in the U.S. as mentally inferior, and to justify educational systems that mainly reproduced extant socioeconomic inequalities." https://www.teenvogue.com/story/ the-history-of-the-sat-is-mired-in-racism-and-elitism.

[3] "Factors Affecting Bar Passage Among Law Students: The REAL Connection Between Race And Bar Passage," May 15, 2018, https:// aaattorneynetwork.com/factors-affectingbar-passage-among-law-students-the-realconnection-between-race-and-bar-passage/.

[4] Marjorie M. Shultz & Sheldon Zedeck, "Identification, Development, and Validation of Predictors for Successful Lawyering" https://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf; Kyle Rozema "Does the Bar Exam Protect the Public" 2021.

[5] Lorenzo A. Trujillo, "The Relationship between Law School and the Bar Exam: A Look at Assessment and Student Success," 78 University of Colorado Law Review 69 (2007); Nicholas L. Georgakopoulos, "Bar Passage: GPA and LSAT, not Bar Reviews," draft 2013; Katherine A. Austin, Catherine Martin Christopher & Darby Dickerson, "Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School Performance," 45 Hofstra Law Review 753 (2017).

[6] In an LSAC commissioned study it was shown that assessments of practical skills were highly effective at predicting effective lawyering. *Supra* fn.4 Schultz.

[7] See rules and requirements in WA APR6, APR9, and ABA Standards and Rules of Procedure for Approval of Law Schools

career;[8] 6) reduce the time requirement for admission by motion to one year; and 7) lower the cut score for bar exam passage back to 266. These proposed reforms relate only to the bar exam. Participants in each proposal would still be expected to complete all WA licensure requirements other than the bar exam.

Background

Picture our current licensing system as a dam, rather hastily built, with a purpose of controlling the amount of water flowing downstream. The water represents a supply of individuals with the capacity to practice law and the earnest desire to do so. The downstream land represents communities in need of legal services. The dam was constructed in such a way that it holds back more water than it should. The downstream land grows parched, especially in historically marginalized communities that already had trouble accessing legal services. Upstream pressure builds with individuals with a sincere ability and desire to serve their communities.

In July of 2020, the Court pierced the dam with diploma privilege, enabling a larger than normal cohort of law graduates to become licensed. Later, in recognition of the challenges graduates faced in preparing for and sitting for the Bar Exam during the pandemic and in the midst of the Racial Reckoning movement, the Court lowered the exam cut score from 270 to 266, permitting more individuals to provide legal services. As a result of these changes, much needed water in the form of legal services, begins to flow downstream.[9]

In November 2020, concerned about the purpose, function, and impact of the bar exam—this dam—then-Chief Justice Stephens chartered this Task Force, which was continued under Chief Justice Gonzalez. The first meeting brought hope, excitement, anger, and fear, but those emotions inspired energy. After that first meeting, the WBLTF established committees to explore data, history, character and fitness, ethics, alternatives to the bar, reciprocity, equity, and lawyer competencies. Those committees have met, worked, and reported back.

Through our study of the history of licensing attorneys in Washington, we now know that the bar exam has been, to some extent, part of the licensure process since the earliest days of the legal profession in the United States and Washington. Early examiners were interested in verifying (1) legal education and (2) moral qualifications. Written examinations were historically offered alongside other paths to licensure—including diploma privilege, oral examination, and apprenticeships—to ensure diverse routes to practice.

The ABA originally opposed diploma privilege for added uniformity in the opportunity for bar licensure, which has less significance in the current legal education and accreditation landscape. Other groups, such as NBA, took the opposite position. Multiple-Choice examination was

[8] This is especially important because most disciplinary issues arise after more than ten years in practice. *See* Washington Discipline System Annual Reports.

[9] In the five exams that have taken place since the lowered score an additional sixty-six attorneys have become licensed in Washington as a result of that change.

thought to be a pedagogical improvement at the time. However, criticism of its incongruence with legal practice has been present from the beginning.

In the 1920s less elite law schools sprouted up, typically night schools, which made legal education accessible to immigrants and other traditional outsiders. State bar examiners' responses was to lengthen period of study for evening/part-time programs and require bar exam passage. In the 1960s, while the Civil Rights movement phased out formal racism, a "veiled or nonformal racism came in—racism under the guise of excellence, fairness, equal opportunity, all the things that make up the constellation of attitudes and standards we call 'merit.'"[10] For example, the presence of Black law graduates led a number of states to rethink diploma privilege.

We have seen data that described in alarming terms (see Executive Summary) just how disparate the impact of the bar exam has been on people of color who continue to be underrepresented in the practice of law, and as a result, communities of color are underserved.

We have heard about the complex, opaque, and arguably unfair process that is our current Character and Fitness review. We have considered a set of proposals to reform the review.

We have learned that until recently, no one has paid much attention to defining the levels of knowledge and skills that newly licensed lawyers ought to have to be able to practice. We have deepened our understanding of lawyer competencies through examining the work of Debby Merritt and her Building a Better Bar project, the NCBE's and California's practice analyses, and Joan Howarth's work on Shaping the Bar Exam.

We have reviewed the NCBE's newest product—the NextGen exam.

We have considered an array of licensure reform efforts, and all of that has brought us here.

Around the Country

In 2005, New Hampshire began the attorney licensure reform effort with its Daniel Webster Scholars Honors Program at UNH's Franklin Pierce Law School. Law students accepted into the program participate in a structured curriculum, which includes experiential educational courses, and assemble a portfolio demonstrating minimum competence to practice law. The Institute for the Advancement of the American Legal System (IAALS) evaluated the program several years after it was founded and concluded that graduates of the program performed more capably in practice than their peers who had passed the written bar exam.

Since 2005, nine states, including Washington, have appointed committees that are exploring whether to reform their attorney licensing programs, and if so, whether to include a pathway in addition to a bar exam for licensure.[11] Committees in all nine states have proposed or

[10] Joan Howarth "Shaping the Bar"

[11] The states that have appointed committees are California, Georgia, Massachusetts, Minnesota, Nevada, Oregon, South Dakota, Utah, and Washington. https://lawyerlicensingresources.org/jurisdictions

recommended at least one pathway to licensure in addition to the bar exam. Several other states, Colorado, Delaware, and New York are in the early stages of exploring licensure reform.

Oregon is furthest along. In 2022, the Oregon Supreme Court approved "in concept" two examination models in addition to the Uniform Bar Exam, a supervised practice model and an experiential model. A committee has published proposed rules for the supervised practice pathway and sought and received public comment on them. In light of the public comment, the committee adjusted the rules and sent a final set to the Oregon Board of Bar Examiners in August 2023. The Board unanimously approved the rules and forwarded them to the Oregon Supreme Court. Following a hearing on the rules in September 2023, the Court unanimously approved them in November 2023Oregon's Board of Bar Examiners will implement the supervised practice pathway by May 2024. Oregon's committee continues to work on the curricular pathway and will publish rules when they are ready.

In 2022, Minnesota's Board of Law Examiners published a set of tentative recommendations, which included pathways to licensure in addition to the bar exam and sought public comment on them. Following revisions, the Board published a final set of recommendations in March 2023 and again sought public comment. In June 2023, the Board delivered a final report to the Minnesota Supreme Court. The final recommendations include creating an implementation committee to explore and develop a curricular-oriented pathway to licensure that candidates could complete during law school. The Board expressed interest in a post-law school pathway to licensure but declined further consideration of the pathway while the committee develops the curricular pathway. The Minnesota Supreme Court has invited public comment on the Board's recommendations and held a public hearing on October 25, 2023. The Court is currently considering whether to create implementation committees to build curricular and post-graduation pathways to licensure.

In April 2023, Nevada's Supreme Court appointed two task forces to advance the work a court-appointed commission recently completed. The Foundational Subject Requirement and Performance Test Implementation Task Force will develop approaches to assessing candidates' foundational knowledge and skills. The Supervised Practice Task Force will study whether Nevada's licensure process should include a supervised practice requirement. The Task Forces were ordered to make recommendations by April 1, 2024.

Appointed in 2022, South Dakota's bar admissions committee, is exploring whether to create curricular and post-graduation licensure pathways. A report from the committee is forthcoming.

During summer 2023, Utah's committee proposed an alternative pathway to licensure, one that includes the following requirements: candidates must complete a set of classes during law school, including doctrinal, legal writing, and experiential courses; candidates must pass a performance test; and candidates must complete 240 hours of post-graduation supervised practice. The Utah Supreme Court is currently considering the proposal.

In May 2023, California's Blue Ribbon Commission on the Future of the Bar Exam submitted a report to the California Bar's Board of Trustees recommending that California modify its state-specific bar exam. The Commission's report did not advance any recommendation regarding alternative pathways. The Commission was evenly split on whether to recommend formation of a new committee to explore other pathways; several motions for and against that recommendation failed. In accepting the Commission's report in May 2023, the Board of Trustees suggested that it would like to review a detailed proposal for an additional pathway to licensure. In September 2023, a working group comprised of former members of the Commission proposed a Portfolio Bar Exam as an alternative to licensure. The Portfolio Bar Exam would require candidates to complete a prescribed set of courses during law school and participate in a post-graduation period of supervised law practice. During their supervised practice, the candidates would assemble a portfolio demonstrating minimum competence to practice law. Following a public comment period, the Board recommended that the California Supreme Court create a pilot Portfolio Bar Examination. The Court is expected to act on the recommendation soon.

New York's status is unclear. A task force established by the New York State Bar Association recommended that New York move from the Uniform Bar Exam to a state-specific bar exam and that the bar association "should consider providing" alternative licensure pathways that are similar to those emerging from Oregon, Minnesota, and Washington. A working group established by New York's highest court, however, has not yet issued any report.

Our Recommendations

1) The Bar Exam

While race-equity and effectiveness concerns regarding the Uniform Bar Exam (UBE) abound, Washington should continue to offer the UBE as a pathway to licensure. The National Conference of Bar Examiners (NCBE) will begin offering a revised version of the UBE, the Next Gen Exam[12], in July 2026. The Task Force suggests that the Court delay adopting the NextGen Exam until 2027 to allow the NCBE to refine the exam and its administration and to give law schools time to help students prepare for the exam.

Providing the UBE as a licensure pathway preserves opportunities for reciprocity and could provide a control sample for later study into the effectiveness of both the bar exam and the proposed alternatives. Information the Task Force has received from the NCBE so far suggests that the Next Gen Exam will address some, though not all, of the race-equity concerns with the current version of the UBE.

The NextGen Exam is better positioned to assess the competencies practitioners are looking for in newly licensed lawyers. The NextGen Exam will cut back on the number of topics tested, and within the topics, it will cut back on the amount of highly detailed information that graduates

[12] https://www.ncbex.org/about/nextgen-bar-exam/

will need to memorize. In a departure from the current emphasis on multiple-choice questions, the NextGen Exam will utilize an integrated question format that includes a range of question styles, including essay, short answer, and multiple-choice questions, on related areas of law. On some topics, the NextGen Exam will provide legal material to the candidate and ask the candidate to synthesize the information and apply it to a novel fact situation. The NextGen Exam will assess some of the skills newly licensed lawyers should possess, such as client counseling and advising and the ability to engage in legal research. And the NCBE has stated that the NextGen Exam will not be a "speeded" exam, which requires candidates to rapidly move through questions.

These changes not only will make the NextGen Exam a better tool for assessing candidates' competency to practice, but the changes are also intended to make the NextGen Exam a fairer exam than the current UBE.[13] Limiting the number of topics tested, reducing the amount of legal information candidates must memorize, shifting the focus of the exam to an integrated and skills oriented format, and deemphasizing speed of performance, will change the way that candidates prepare for the exam, potentially reducing the post-graduation prep time, allowing candidates who have work or family obligations to meet them and enabling the students to move through the exam in a more thoughtful and less "speeded" manner.

2) Graduate Apprenticeship

The WBLTF recommends the adoption of an apprenticeship program by which law school graduates may become licensed. The program would draw on the tutoring and licensing requirements already codified in APR 6 and APR 9 to allow those who satisfactorily complete a six-month program to waive out of the bar exam.

APR 6[14] creates Washington's law clerk program, by which an individual may gain qualification to sit for the bar exam without attending law school. Applicants must (among other requirements) "be of good moral character and fitness,"[15] be a full-time employee of an approved tutor in a "(i) law office, (ii) legal department, or (iii) court of general, limited, or appellate jurisdiction in Washington State," and complete four years of coursework at a rate of six courses per year. Tutors must be approved by WSBA and must be a member in good standing with no disciplinary sanctions in the last five years and must have practiced for at least ten of the last twelve years with at least two of those years taking place in Washington.

APR 9[16] creates Washington's licensed legal intern program, by which an individual can be authorized to practice law in a limited and supervised capacity prior to obtaining a full license. Applicants must (among other requirements) be a student or graduate in good standing who

[13] It is important to caveat this statement by pointing out that a number of initiatives the NCBE has adopted over the past twenty-five years were expected to reduce inequity in the exam but there has been no measurable impact on the bar exam's disparate racial impact. *Supra* fn. 1.
[14] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_06_00_00.pdf
[15] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_20_00_00.pdf
[16] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_09_00_00.pdf

has completed at least two-thirds of their coursework and who has permission from the Dean of their law school. Supervising attorneys must be active members in good standing who have practiced for at least three years and who have no disciplinary sanctions at all in the last three years and no suspensions or disbarments in the last ten years.

Under this proposal law school graduates who wish to become licensed through an apprenticeship would need to meet the requirements of APR 9 and their supervising tutors would be required to meet the requirements of APR 6. This would allow graduates to gain practical skills and demonstrate knowledge through the experience of practicing for six months under the guidance and supervision of a qualified attorney. Graduates would also be required to complete six months of the standardized APR 6 coursework or three courses.

This proposal would give Washington more control over the admission of its lawyers while reducing the costs to admission and creating a less-biased[17] path to entry. The proposal would simultaneously ensure that licensed lawyers have the practical skills and training needed to practice. Though historically the APR 6 law clerk program has struggled to find tutors, this proposal would likely not face the same barriers because it is a shorter program, and it would enable law firms to hire recent graduates without the fear of bar study and passage being a barrier to those graduates being productive employees.

3) Law School Experiential Pathway

In addition to the apprenticeship program, the WBLTF recommends an experiential pathway to licensure that would allow students to graduate law school ready to practice. This experiential pathway would draw upon existing law school courses and ABA standards as well as APR 9 and similar rules to ensure that students have both training and experience in practical lawyering skills at graduation.

Under the ABA's law school graduation requirements[18] law schools are required to offer practical skills courses and students are required to complete at least six skills credits to graduate. Law schools offer a variety of coursework under the skills category such as mediation, pre-trial advocacy, negotiations, criminal motions practice, and contract drafting. These courses have been developed and made mandatory as part of an increasing push in the legal industry to ensure that law schools are teaching not just how to think like a lawyer, but how to practice like a lawyer.

APR 9[19] allows law students to practice law under the guidance and supervision of a qualified attorney (*see supra* Section 2). Many other states have similar programs. In Indiana, Admission and Discipline Rule 2.1 creates the "Legal Interns" program which lets students who have

[17] Work will need to be done to support diversity, equity, and inclusion in this program especially in the recruitment of tutors, but by enabling people to demonstrate competence without the cost and time burdens of law school and a bar exam, this avenue will expand opportunities for historically marginalized groups.
[18] ABA Standards and Rules of Procedure for Approval of Law Schools
[19] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_09_00_00.pdf

completed half of their law school coursework (including some specific classes like ethics) engage in supervised practice. Oregon's Rule for Admission 13 creates a "Law Student Appearance Program" for students who have completed four semesters of coursework. As APR 9 says, these programs play "an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system." For that reason, the WBLTF feels that further encouraging the engagement in this program serves our mission.

Under this proposal students who wish to graduate practice ready and waive out of the bar exam would be required to complete twelve qualifying skills credits and five hundred hours of work as a licensed legal intern or equivalent providing legal services to actual clients. The credit requirement would provide a substantial boost to their practical lawyering skills while the five hundred hours of work would provide the experience necessary to be practice ready.

Law students would be required, as part of their bar application, to submit a portfolio representing work done during their five hundred hours. Law schools offer a wide variety of clinical programs through which students could obtain that experience including federal tax law, immigration law, tech law and policy, regulatory environmental law, and appellate advocacy.[20] As part of this proposal, APR 9 would be amended to change the law coursework completion requirement from completing two-thirds of their legal education to completing one-half of their legal education.

4) APR 6 Apprenticeship

The APR 6 program already accomplishes the goal of training individuals in the experiential side of the practice of law. In addition, APR 6 clerks are required to complete coursework and be assessed on that coursework throughout the program. Historically, this path to licensure has operated since the beginning of the legal profession without any identifiable harm to the public. That said, a standardized exam like the bar exam puts perceptions of APR 6 clerks on a level playing field with law school graduates and the current APR 6 program participating law clerks and tutors create their own curriculum and exams for all of the required coursework.

To mitigate these risks and create an alternative to the bar exam for APR 6 clerks, the WBLTF proposes the creation of additional standardized educational materials and benchmarks that APR 6 clerks must complete under the guidance and supervision of their tutors to be eligible to waive the bar exam. This Law Clerk Admission Coursework should be developed by WSBA in conjunction with the WA Law Schools and the Law Clerk Board and should dovetail with the requirements of the law school graduate apprenticeship. Additionally. Additionally, APR 6 clerks would be required to get the same five hundred hours as an APR 9 intern required for the law school experiential pathway, which can be done while they are participating in the law clerk program.

[20] https://www.law.uw.edu/academics/experiential-learning/clinics

5) Alternative Assessments and Interventions

Because lawyer competence spans careers and is not a moment in time, the WBLTF recommends the investigation and adoption of assessments and data collection that can help ensure lawyers remain competent throughout their careers. While competence to practice law is decided once and only once at the moment of licensure, data shows that the majority of public harms brought about by lawyers occur after more than ten years in practice.[21] More importantly, the data indicates that the majority of lawyer disciplinary issues stem from burnout and carelessness, not lack of legal knowledge.[22] In our current system, the only program in place to protect the public proactively are CLE requirements which, though valuable, are judged based solely on attendance and have no way of ensuring comprehension and retention of information.

The WBLTF recommends that WSBA with the support of the Supreme Court begins the task of investigating and implementing alternative assessments to help identify the strengths and growth areas of new lawyers. LSAC previously studied what traits, qualities, and skills make an effective lawyer. It identified a number of assessments that were highly effective at predicting who would be a good lawyer, and which had no disparate impacts on historically marginalized groups.[23] WBSA could begin by working with the LSAC researchers to offer CLE credit for lawyers to take these assessments. The data from these assessments could be analyzed in conjunction with existing data on lawyer discipline to measure their effectiveness and identify targeted measures that could reduce the risk of lawyers causing harm during their career. This effort should be undertaken in conjunction with a study of recidivism in lawyer discipline in Washington to identify what current programs are most effective at ensuring lawyer competence throughout careers. The information from these two studies will guide the next steps toward strengthening the legal profession and broadening the path to licensure from a moment in time to an ongoing commitment.

6) Reciprocity

Based on the above alternative paths to admission, the WBLTF additionally recommends that the timeline for out-of-state licensed attorneys to be eligible for admission by motion be reduced to one year. For the same reason the WBLTF believes that a six-month post-law-school apprenticeship program is sufficient to qualify a lawyer to practice in WA, the WBLTF believes that actively practicing in another state for one year or more qualifies an attorney to waive out of taking a second bar exam to practice in Washington. Washington law and procedure is not identical to other states, but our current reciprocity requirements are not based on similarity to Washington practice. As the data discussed in detail above demonstrates, readiness to practice

[21] See Washington Discipline System Annual Reports.

[22] Only around 2% of bar complaints relate to RPC 1.1 Competence. 1.4 Communication, 1.3 Diligence, 1.16 Declining or Terminating Representation, and 3.2 Failure to Expedite Litigation account for almost 30%.

[23] Marjorie M. Shultz & Sheldon Zedeck, "Identification, Development, and Validation of Predictors for Successful Lawyering" https://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf; Kyle Rozema "Does the Bar Exam Protect the Public" 2021.

is not about memorization of a jurisdiction's law, but practical knowledge of how to practice law. Actively practicing in good standing for a year in any state demonstrates the experience necessary to practice in Washington.

7) Bar Pass Score

In addition to the above, the WBLTF recommends that action be taken quickly to reduce the bar passage cut score from 270 back to 266. During the pandemic the bar cut score was temporarily reduced to 266. Currently, jurisdictions use cut scores ranging from 260 to 272 with a median of 268 and an average of 267.[24] A recent study examining the California bar exam demonstrated that lowering the cut score for passing the bar exam had a valuable impact on reducing the equity gap in lawyer licensing without risk of harm to the public.[25] While these results are promising, even after substantially decreasing the cut score, a significant gap remains between the pass rates of white applicants and applicants of color. Perhaps the most significant finding of this study was that reducing the cut score has no measurable impact on complaints, charges, or disciplinary action taken against lawyers. There even appeared to be an inverse correlation in which higher cut scores were correlated with an increase in complaints against lawyers. This evidence, while limited, further indicates the flaws in our current bar licensure system. This research should also be considered when assigning a cut score for the Next Gen Bar Exam as Washington State begins that transition.

Frequently asked questions

Q: Why five hundred hours for law school apprenticeship?

A: Five hundred hours ensures that qualifying students have had practical experience above and beyond the basic activities that most law students will accomplish. Most law students will have a 2L summer job spending 10 weeks working in a legal capacity. For students who chose to register under APR 9 for that summer, that results in 400 hours. That would require students to get an additional 100 hours of experiential work during their 3L year to complete the program (about 3 hours of work per week).

Q: Do law schools have to provide opportunities for students to achieve the required 500 apprenticeship hours within the curriculum?

A: No. Given that most law students engage in legal work during their 2L summer, it is assumed that the majority of students who chose to pursue an experiential path will obtain most or all of

[24] The full list of cut scores by jurisdiction can be viewed here https://www.ncbex.org/exams/ube/ube-minimum-scores

[25] Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards
https://deliverypdf.ssrn.com/delivery.php?ID=382022091086004007100077107116106027029011095077058037071001069109067127104092070024048096036099043030006119127008107078067087040066043048077001065085071083102080092008007076008021064017101004121014085094072121003098092087102094000031006068112111127120&EXT=pdf&INDEX=TRUE

the required 500 hours in externships, which can include paid summer work and work during the school year. While some law schools will likely choose to distinguish themselves by offering additional opportunities, this proposal does not impose any requirements on law schools and it is expected that different law schools will make different choices consistent with their individual academic considerations.

Q: Are law schools obligated to offer the experiential track to students?

A: No. This proposal does not in itself mandate any action from law schools. It is assumed that law schools, especially those in Washington, will want to offer an experiential pathway to licensure to their students. However, law schools may place caps on the number of students who can participate each year based on whatever needs and criteria the individual school chooses. Students who are unable to graduate and immediately waive out of the bar will still have the opportunity to participate in a graduate apprenticeship and obtain a license through that program. For students who are not able to participate in the experiential track, law schools that wish to help will still have an opportunity to aid those students in obtaining apprenticeships in much the same way the schools aid in obtaining first jobs out of school.

Q: What is the experience requirement for tutors in the graduate apprenticeship program?

A: APR 6 requires that a tutor have practiced for at least ten years of the last twelve years and have no disciplinary sanctions in the last five years. As part of this proposal the WBLTF recommends reducing the practice requirement to seven of the last ten years. This will increase involvement in the struggling marketplace of tutors and create more opportunities for law clerks and graduate apprentices without having a negative impact on the quality of tutors.

Q: How many applicants can a tutor oversee in the graduate apprenticeship and law school programs?

A: Under APR 6, tutoring is always one-to-one. To ensure quality of tutoring, this rule should be maintained for the graduate apprenticeship program. Under APR 9 the number of interns that can be supervised by a single attorney varies based on practice. Law School faculty are authorized to supervise ten students. Public sector attorneys are authorized to supervise four students, and private practice attorneys are authorized to supervise one law student. To increase, involvement the WBLTF recommends increasing the number of students a private practice attorney is authorized to supervise from one to four.

Q: Do the graduate apprenticeship and law school programs apply only to ABA accredited law schools?

A: No. The history of the accreditation system is steeped in the same racism and lack of pedagogical justification that mires the bar exam. Accreditation was another way for the ABA and states to preclude people of color and the poor from having access to the legal profession. Many of the early non-accredited schools were looked down upon for their focus on practical skills and even at times their focus on training students to pass the bar exam. Under this

program, WSBA will have more control of entry to our profession and in that will have the right to look at the programs of other schools (accredited and not) to determine if the coursework qualifies a graduate for licensure.

Q: Who will determine whether a law school skills course curriculum is qualified?

A: Under our current system, to be eligible for the bar exam law students must graduate from "a law school approved by the Board of Governors." Under this proposal the Board of Governors would continue in that same role determining which state's legal intern programs are approved and which law schools have a sufficient skills course curriculum.

Q: Are LL.M. students included in the law school apprenticeship and graduate apprenticeship programs?

A: Yes. While accomplishing the requirements of the apprenticeship programs will be more difficult for LL.M. students due to time in school and visa requirements, there is no rational basis to exclude LL.M. students from this program. Rather, LL.M. students would greatly benefit from the practical experience requirements of the apprenticeship programs. See attachment for additional information.

Q: Who would decide if another state's program is "equivalent" to APR 9?

A: Under this proposal, the current licensing review programs would be expanded in purpose to review apprenticeship applications and make determinations about whether out of state applicants had met the requirements. For example, an applicant from Indiana would have only been required to complete half of the law school curriculum instead of two-thirds as required by APR9. The Board would be charged with reviewing the program and determining whether that timing change had a meaningful impact on the practice-readiness of the applicant.

Washington State Bar Licensure Task Force

A Proposal for the Future of WA State Bar Admissions Updated Following Public Comment February 28, 2024

Contents

A Proposal for the Future of WA State Bar Admissions

Mission/Purpose

The Washington Bar Licensure Task Force (WBLTF) was created in November 2020 with the goal to "evaluate & assess the efficacy of the Washington state bar licensure requirements for licensing lawyers and whether the [WA State Supreme Court] should consider alternatives to the current licensure requirements, and to analyze those potential alternatives." This proposal outlines the work that has been done in evaluating the bar licensure requirements and recommends reforms to the licensure process. This proposal gives the Washington Supreme Court more responsibility for and control over entry into the legal profession in order to: protect the public and improve trust in the legal profession, advance the cause of diversity equity and inclusion, facilitate lawyer competency, and reduce barriers to entry into the legal profession.

Summary of Updates to the Previous Proposal, Following Review of Public Comments

On October 11, 2023, the WBLTF presented its Proposal for the Future of Washington State Bar Admissions to the Court. The Proposal included seven recommendations for changes to the state's current attorney licensure pathways and four changes to the scope and procedural rules for the character and fitness assessment. The Court made the Proposal available to the public and invited the public to comment on the recommendations by emailing an address that the WSBA monitored. The public comment period began on October 11, 2023, and concluded on January 11, 2024. 73 comments were received from an array of sources, including attorneys practicing in Washington State, current or past APR 6 Law Clerks, law students and recent graduates, legal aid and volunteer legal services representatives, and law professors. The WSBA made the comments available to the WBLTF and provided a brief summary of the comments for the Task Force's review. Upon reviewing the comments, the Task Force has addressed those clustered around three recommendations: (1) the timing of the adoption of the NextGen Bar Exam; (2) the APR 6 Law Clerk Apprenticeship; and (3) revisions to the Character and Fitness review. Immediately below, please find a brief summary of the Task Force's responses to the public comments. And further below, where appropriate, the Task Force has updated other portions of this proposal to reflect its reflections and responses to the public comments.

NextGen Bar Exam Adoption

The Task Force's Proposal recommended that the Court maintain a bar exam as a pathway to attorney licensure, and that the Court adopt the NextGen Bar Exam for administration when it first becomes available in July 2026. Several writers, including prominent law professors who

are involved in the attorney licensure reform movement, recommended delaying the adoption of the NextGen Exam until 2027 or 2028 to give law schools more time to prepare graduates for the new exam and to give the NCBE time to refine the exam and work out any issues with its administration. The comments resonated with the Task Force. We suggest the Court delay adopting the exam until 2027. Law school representatives on the Task Force emphasized the importance of getting clarity on when Washington State will begin administering the NextGen Exam. The sooner law schools know when the state will adopt the exam, the better.

Character and Fitness Review

The Task Force's Proposal recommended the following changes to the Character and Fitness assessment: (1) changes to APR 21 and 24.1, which govern the scope and burden of proof for the character and fitness assessment; (2) the implementation of a conditional admission process; (3) adjusting the timing of the character and fitness review process; and (4) creating an information resource for applicants and assigned counsel ombudsperson. The Task Force publicly and privately received comments about the recommendations from individuals and organizations. The feedback overwhelmingly supports the recommendations and included multiple offers to join any future work groups or task forces created by the Court to conduct review and analysis of the areas seeking additional change. These offers came from scholars from around the country to current and former members of the Washington Character and Fitness Board.

Next Steps

Should the Court approve any recommendation, the Task Force urges the Court to appoint an implementation committee to flesh out the details of the recommendation and propose relevant rules changes.

Executive Summary

The best available data indicates that the bar exam disproportionately and unnecessarily blocks historically marginalized groups from entering the practice of law.[1] In addition to the racism and classism written into the test itself[2] the time and financial costs of the test reinforce

[1] While most states do not report demographic data on bar passage, the ABA recently conducted a study of first time test takers which showed that in 2021 white graduates were almost 40% more likely to pass the bar exam than Black graduates. https://www.americanbar.org/news/abanews/aba-news-archives/2022/05/new-aba-data-breaks-down-bar-pass-rates/?login Even worse, a similar study from LSAC in 1998 shows that the racial disparity in bar exam pass rates has remained virtually unchanged in the last 25 years despite numerous efforts from NCBE and state bar regulators to remove racial bias from the bar exam. https://archive.lawschooltransparency.com/reform/projects/investigations/2015/documents/NLBPS.pdf Those statistics are consistent with reports from states that do publish demographic data. https://www.calbar.ca.gov/Admissions/Law-School-Regulation/Exam-Statistics

[2] The creation of the bar exam coincided with the first Civil Rights Act in 1875. After three Black lawyers were unintentionally granted membership in the ABA in 1914, their membership was revoked and a meeting was convened to discuss keeping the profession "pure." A mandatory bar exam was part of the proposed solution.

historical inequities in our profession.[3] Despite these issues, data indicates that the bar exam is at best minimally effective for ensuring competent lawyers.[4] Among the deficiencies and common complaints about the bar exam is that it bears little resemblance to actual practice and tends to simply restate the same results already provided by law school grades.[5]

For these reasons and others the WBLTF proposes creating additional, experiential pathways to bar licensure that protect the public by improving lawyer skills while reducing the unproductive barriers for historically marginalized groups to enter the profession. This proposal would have a substantial positive impact[6] on the profession using the existing infrastructure in law schools and WSBA.[7]

The following seven pieces of this recommendation are outlined in detail below: 1) maintain the bar exam in its current form for those who choose to take it while advancing the cause of improvement to the bar exam; 2) create an experiential pathway to practice for law school graduates; 3) create an experiential pathway to practice for law school students; 4) create an experiential pathway to practice for APR 6 clerks; 5) recommend that WSBA research, with the goal of implementation, assessments that identify strengths and growth areas for lawyers and specific training programs that can be implemented throughout the course of a lawyer's

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George B. Shepherd, "No African-American Lawyers Allowed: The Inefficient Racism of the ABA's Accreditation of Law Schools," 53 J. of Legal Education 103 (2003)

South Carolina maintained diploma privilege until 1950 when the first class of students were set to graduate from a Black law school at which time the bar exam was made mandatory to prevent "negroes and some undesirable whites" from entering the profession. Michael Boylan, The Ethics of Teaching (2006).

Carl Brigham, creator of the SAT and leader of the American Eugenics Society, designed and used intelligence tests to argue that "[t]he decline of American intelligence will be more rapid than the decline of the intelligence of European national groups, owing to the presence here of the negro ... The deterioration of American intelligence is not inevitable, however, if public action can be aroused to prevent it." As Wayne Au of the University of Washington put it, "the assumptive objectivity of standardized testing was thus used to 'scientifically' declare the poor, immigrants, women, and nonwhites in the U.S. as mentally inferior, and to justify educational systems that mainly reproduced extant socioeconomic inequalities." https://www.teenvogue.com/story/ the-history-of-the-sat-is-mired-in-racism-and-elitism.

[3] "Factors Affecting Bar Passage Among Law Students: The REAL Connection Between Race And Bar Passage," May 15, 2018, https:// aaattorneynetwork.com/factors-affectingbar-passage-among-law-students-the-realconnection-between-race-and-bar-passage/.

[4] Marjorie M. Shultz & Sheldon Zedeck, "Identification, Development, and Validation of Predictors for Successful Lawyering" https://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf; Kyle Rozema "Does the Bar Exam Protect the Public" 2021.

[5] Lorenzo A. Trujillo, "The Relationship between Law School and the Bar Exam: A Look at Assessment and Student Success," 78 University of Colorado Law Review 69 (2007); Nicholas L. Georgakopoulos, "Bar Passage: GPA and LSAT, not Bar Reviews," draft 2013; Katherine A. Austin, Catherine Martin Christopher & Darby Dickerson, "Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School Performance," 45 Hofstra Law Review 753 (2017).

[6] In an LSAC commissioned study it was shown that assessments of practical skills were highly effective at predicting effective lawyering. *Supra* fn.4 Schultz.

[7] See rules and requirements in WA APR6, APR9, and ABA Standards and Rules of Procedure for Approval of Law Schools

career;[8] 6) reduce the time requirement for admission by motion to one year; and 7) lower the cut score for bar exam passage back to 266. These proposed reforms relate only to the bar exam. Participants in each proposal would still be expected to complete all WA licensure requirements other than the bar exam.

Background

Picture our current licensing system as a dam, rather hastily built, with a purpose of controlling the amount of water flowing downstream. The water represents a supply of individuals with the capacity to practice law and the earnest desire to do so. The downstream land represents communities in need of legal services. The dam was constructed in such a way that it holds back more water than it should. The downstream land grows parched, especially in historically marginalized communities that already had trouble accessing legal services. Upstream pressure builds with individuals with a sincere ability and desire to serve their communities.

In July of 2020, the Court pierced the dam with diploma privilege, enabling a larger than normal cohort of law graduates to become licensed. Later, in recognition of the challenges graduates faced in preparing for and sitting for the Bar Exam during the pandemic and in the midst of the Racial Reckoning movement, the Court lowered the exam cut score from 270 to 266, permitting more individuals to provide legal services. As a result of these changes, much needed water in the form of legal services, begins to flow downstream.[9]

In November 2020, concerned about the purpose, function, and impact of the bar exam—this dam—then-Chief Justice Stephens chartered this Task Force, which was continued under Chief Justice Gonzalez. The first meeting brought hope, excitement, anger, and fear, but those emotions inspired energy. After that first meeting, the WBLTF established committees to explore data, history, character and fitness, ethics, alternatives to the bar, reciprocity, equity, and lawyer competencies. Those committees have met, worked, and reported back.

Through our study of the history of licensing attorneys in Washington, we now know that the bar exam has been, to some extent, part of the licensure process since the earliest days of the legal profession in the United States and Washington. Early examiners were interested in verifying (1) legal education and (2) moral qualifications. Written examinations were historically offered alongside other paths to licensure—including diploma privilege, oral examination, and apprenticeships—to ensure diverse routes to practice.

The ABA originally opposed diploma privilege for added uniformity in the opportunity for bar licensure, which has less significance in the current legal education and accreditation landscape. Other groups, such as NBA, took the opposite position. Multiple-Choice examination was

[8] This is especially important because most disciplinary issues arise after more than ten years in practice. *See* Washington Discipline System Annual Reports.

[9] In the five exams that have taken place since the lowered score an additional sixty-six attorneys have become licensed in Washington as a result of that change.

thought to be a pedagogical improvement at the time. However, criticism of its incongruence with legal practice has been present from the beginning.

In the 1920s less elite law schools sprouted up, typically night schools, which made legal education accessible to immigrants and other traditional outsiders. State bar examiners' responses was to lengthen period of study for evening/part-time programs and require bar exam passage. In the 1960s, while the Civil Rights movement phased out formal racism, a "veiled or nonformal racism came in—racism under the guise of excellence, fairness, equal opportunity, all the things that make up the constellation of attitudes and standards we call 'merit.'"[10] For example, the presence of Black law graduates led a number of states to rethink diploma privilege.

We have seen data that described in alarming terms (see Executive Summary) just how disparate the impact of the bar exam has been on people of color who continue to be underrepresented in the practice of law, and as a result, communities of color are underserved.

We have heard about the complex, opaque, and arguably unfair process that is our current Character and Fitness review. We have considered a set of proposals to reform the review.

We have learned that until recently, no one has paid much attention to defining the levels of knowledge and skills that newly licensed lawyers ought to have to be able to practice. We have deepened our understanding of lawyer competencies through examining the work of Debby Merritt and her Building a Better Bar project, the NCBE's and California's practice analyses, and Joan Howarth's work on Shaping the Bar Exam.

We have reviewed the NCBE's newest product—the NextGen exam.

We have considered an array of licensure reform efforts, and all of that has brought us here.

Around the Country

In 2005, New Hampshire began the attorney licensure reform effort with its Daniel Webster Scholars Honors Program at UNH's Franklin Pierce Law School. Law students accepted into the program participate in a structured curriculum, which includes experiential educational courses, and assemble a portfolio demonstrating minimum competence to practice law. The Institute for the Advancement of the American Legal System (IAALS) evaluated the program several years after it was founded and concluded that graduates of the program performed more capably in practice than their peers who had passed the written bar exam.

Since 2005, nine states, including Washington, have appointed committees that are exploring whether to reform their attorney licensing programs, and if so, whether to include a pathway in addition to a bar exam for licensure.[11] Committees in all nine states have proposed or

[10] Joan Howarth "Shaping the Bar"

[11] The states that have appointed committees are California, Georgia, Massachusetts, Minnesota, Nevada, Oregon, South Dakota, Utah, and Washington. https://lawyerlicensingresources.org/jurisdictions

recommended at least one pathway to licensure in addition to the bar exam. Several other states, Colorado, Delaware, and New York are in the early stages of exploring licensure reform.

Oregon is furthest along. In 2022, the Oregon Supreme Court approved "in concept" two examination models in addition to the Uniform Bar Exam, a supervised practice model and an experiential model. A committee has published proposed rules for the supervised practice pathway and sought and received public comment on them. In light of the public comment, the committee adjusted the rules and sent a final set to the Oregon Board of Bar Examiners in August 2023. The Board unanimously approved the rules and forwarded them to the Oregon Supreme Court. Following a hearing on the rules in September 2023, the Court unanimously approved them in November 2023Oregon's Board of Bar Examiners will implement the supervised practice pathway by May 2024. Oregon's committee continues to work on the curricular pathway and will publish rules when they are ready.

In 2022, Minnesota's Board of Law Examiners published a set of tentative recommendations, which included pathways to licensure in addition to the bar exam and sought public comment on them. Following revisions, the Board published a final set of recommendations in March 2023 and again sought public comment. In June 2023, the Board delivered a final report to the Minnesota Supreme Court. The final recommendations include creating an implementation committee to explore and develop a curricular-oriented pathway to licensure that candidates could complete during law school. The Board expressed interest in a post-law school pathway to licensure but declined further consideration of the pathway while the committee develops the curricular pathway. The Minnesota Supreme Court has invited public comment on the Board's recommendations and held a public hearing on October 25, 2023. The Court is currently considering whether to create implementation committees to build curricular and post-graduation pathways to licensure.

In April 2023, Nevada's Supreme Court appointed two task forces to advance the work a court-appointed commission recently completed. The Foundational Subject Requirement and Performance Test Implementation Task Force will develop approaches to assessing candidates' foundational knowledge and skills. The Supervised Practice Task Force will study whether Nevada's licensure process should include a supervised practice requirement. The Task Forces were ordered to make recommendations by April 1, 2024.

Appointed in 2022, South Dakota's bar admissions committee, is exploring whether to create curricular and post-graduation licensure pathways. A report from the committee is forthcoming.

During summer 2023, Utah's committee proposed an alternative pathway to licensure, one that includes the following requirements: candidates must complete a set of classes during law school, including doctrinal, legal writing, and experiential courses; candidates must pass a performance test; and candidates must complete 240 hours of post-graduation supervised practice. The Utah Supreme Court is currently considering the proposal.

In May 2023, California's Blue Ribbon Commission on the Future of the Bar Exam submitted a report to the California Bar's Board of Trustees recommending that California modify its state-specific bar exam. The Commission's report did not advance any recommendation regarding alternative pathways. The Commission was evenly split on whether to recommend formation of a new committee to explore other pathways; several motions for and against that recommendation failed. In accepting the Commission's report in May 2023, the Board of Trustees suggested that it would like to review a detailed proposal for an additional pathway to licensure. In September 2023, a working group comprised of former members of the Commission proposed a Portfolio Bar Exam as an alternative to licensure. The Portfolio Bar Exam would require candidates to complete a prescribed set of courses during law school and participate in a post-graduation period of supervised law practice. During their supervised practice, the candidates would assemble a portfolio demonstrating minimum competence to practice law. Following a public comment period, the Board recommended that the California Supreme Court create a pilot Portfolio Bar Examination. The Court is expected to act on the recommendation soon.

New York's status is unclear. A task force established by the New York State Bar Association recommended that New York move from the Uniform Bar Exam to a state-specific bar exam and that the bar association "should consider providing" alternative licensure pathways that are similar to those emerging from Oregon, Minnesota, and Washington. A working group established by New York's highest court, however, has not yet issued any report.

Our Recommendations

1) The Bar Exam

While race-equity and effectiveness concerns regarding the Uniform Bar Exam (UBE) abound, Washington should continue to offer the UBE as a pathway to licensure. The National Conference of Bar Examiners (NCBE) will begin offering a revised version of the UBE, the Next Gen Exam[12], in July 2026. The Task Force suggests that the Court delay adopting the NextGen Exam until 2027 to allow the NCBE to refine the exam and its administration and to give law schools time to help students prepare for the exam.

Providing the UBE as a licensure pathway preserves opportunities for reciprocity and could provide a control sample for later study into the effectiveness of both the bar exam and the proposed alternatives. Information the Task Force has received from the NCBE so far suggests that the Next Gen Exam will address some, though not all, of the race-equity concerns with the current version of the UBE.

The NextGen Exam is better positioned to assess the competencies practitioners are looking for in newly licensed lawyers. The NextGen Exam will cut back on the number of topics tested, and within the topics, it will cut back on the amount of highly detailed information that graduates

[12] https://www.ncbex.org/about/nextgen-bar-exam/

will need to memorize. In a departure from the current emphasis on multiple-choice questions, the NextGen Exam will utilize an integrated question format that includes a range of question styles, including essay, short answer, and multiple-choice questions, on related areas of law. On some topics, the NextGen Exam will provide legal material to the candidate and ask the candidate to synthesize the information and apply it to a novel fact situation. The NextGen Exam will assess some of the skills newly licensed lawyers should possess, such as client counseling and advising and the ability to engage in legal research. And the NCBE has stated that the NextGen Exam will not be a "speeded" exam, which requires candidates to rapidly move through questions.

These changes not only will make the NextGen Exam a better tool for assessing candidates' competency to practice, but the changes are also intended to make the NextGen Exam a fairer exam than the current UBE.[13] Limiting the number of topics tested, reducing the amount of legal information candidates must memorize, shifting the focus of the exam to an integrated and skills oriented format, and deemphasizing speed of performance, will change the way that candidates prepare for the exam, potentially reducing the post-graduation prep time, allowing candidates who have work or family obligations to meet them and enabling the students to move through the exam in a more thoughtful and less "speeded" manner.

2) Graduate Apprenticeship

The WBLTF recommends the adoption of an apprenticeship program by which law school graduates may become licensed. The program would draw on the tutoring and licensing requirements already codified in APR 6 and APR 9 to allow those who satisfactorily complete a six-month program to waive out of the bar exam.

APR 6[14] creates Washington's law clerk program, by which an individual may gain qualification to sit for the bar exam without attending law school. Applicants must (among other requirements) "be of good moral character and fitness,"[15] be a full-time employee of an approved tutor in a "(i) law office, (ii) legal department, or (iii) court of general, limited, or appellate jurisdiction in Washington State," and complete four years of coursework at a rate of six courses per year. Tutors must be approved by WSBA and must be a member in good standing with no disciplinary sanctions in the last five years and must have practiced for at least ten of the last twelve years with at least two of those years taking place in Washington.

APR 9[16] creates Washington's licensed legal intern program, by which an individual can be authorized to practice law in a limited and supervised capacity prior to obtaining a full license. Applicants must (among other requirements) be a student or graduate in good standing who

[13] It is important to caveat this statement by pointing out that a number of initiatives the NCBE has adopted over the past twenty-five years were expected to reduce inequity in the exam but there has been no measurable impact on the bar exam's disparate racial impact. *Supra* fn. 1.
[14] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_06_00_00.pdf
[15] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_20_00_00.pdf
[16] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_09_00_00.pdf

has completed at least two-thirds of their coursework and who has permission from the Dean of their law school. Supervising attorneys must be active members in good standing who have practiced for at least three years and who have no disciplinary sanctions at all in the last three years and no suspensions or disbarments in the last ten years.

Under this proposal law school graduates who wish to become licensed through an apprenticeship would need to meet the requirements of APR 9 and their supervising tutors would be required to meet the requirements of APR 6. This would allow graduates to gain practical skills and demonstrate knowledge through the experience of practicing for six months under the guidance and supervision of a qualified attorney. Graduates would also be required to complete six months of the standardized APR 6 coursework or three courses.

This proposal would give Washington more control over the admission of its lawyers while reducing the costs to admission and creating a less-biased[17] path to entry. The proposal would simultaneously ensure that licensed lawyers have the practical skills and training needed to practice. Though historically the APR 6 law clerk program has struggled to find tutors, this proposal would likely not face the same barriers because it is a shorter program, and it would enable law firms to hire recent graduates without the fear of bar study and passage being a barrier to those graduates being productive employees.

3) Law School Experiential Pathway

In addition to the apprenticeship program, the WBLTF recommends an experiential pathway to licensure that would allow students to graduate law school ready to practice. This experiential pathway would draw upon existing law school courses and ABA standards as well as APR 9 and similar rules to ensure that students have both training and experience in practical lawyering skills at graduation.

Under the ABA's law school graduation requirements[18] law schools are required to offer practical skills courses and students are required to complete at least six skills credits to graduate. Law schools offer a variety of coursework under the skills category such as mediation, pre-trial advocacy, negotiations, criminal motions practice, and contract drafting. These courses have been developed and made mandatory as part of an increasing push in the legal industry to ensure that law schools are teaching not just how to think like a lawyer, but how to practice like a lawyer.

APR 9[19] allows law students to practice law under the guidance and supervision of a qualified attorney (*see supra* Section 2). Many other states have similar programs. In Indiana, Admission and Discipline Rule 2.1 creates the "Legal Interns" program which lets students who have

[17] Work will need to be done to support diversity, equity, and inclusion in this program especially in the recruitment of tutors, but by enabling people to demonstrate competence without the cost and time burdens of law school and a bar exam, this avenue will expand opportunities for historically marginalized groups.
[18] ABA Standards and Rules of Procedure for Approval of Law Schools
[19] https://www.courts.wa.gov/court_rules/pdf/APR/GA_APR_09_00_00.pdf

completed half of their law school coursework (including some specific classes like ethics) engage in supervised practice. Oregon's Rule for Admission 13 creates a "Law Student Appearance Program" for students who have completed four semesters of coursework. As APR 9 says, these programs play "an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system." For that reason, the WBLTF feels that further encouraging the engagement in this program serves our mission.

Under this proposal students who wish to graduate practice ready and waive out of the bar exam would be required to complete twelve qualifying skills credits and five hundred hours of work as a licensed legal intern or equivalent providing legal services to actual clients. The credit requirement would provide a substantial boost to their practical lawyering skills while the five hundred hours of work would provide the experience necessary to be practice ready.

Law students would be required, as part of their bar application, to submit a portfolio representing work done during their five hundred hours. Law schools offer a wide variety of clinical programs through which students could obtain that experience including federal tax law, immigration law, tech law and policy, regulatory environmental law, and appellate advocacy.[20] As part of this proposal, APR 9 would be amended to change the law coursework completion requirement from completing two-thirds of their legal education to completing one-half of their legal education.

4) APR 6 Apprenticeship

The APR 6 program already accomplishes the goal of training individuals in the experiential side of the practice of law. In addition, APR 6 clerks are required to complete coursework and be assessed on that coursework throughout the program. Historically, this path to licensure has operated since the beginning of the legal profession without any identifiable harm to the public. That said, a standardized exam like the bar exam puts perceptions of APR 6 clerks on a level playing field with law school graduates and the current APR 6 program participating law clerks and tutors create their own curriculum and exams for all of the required coursework.

To mitigate these risks and create an alternative to the bar exam for APR 6 clerks, the WBLTF proposes the creation of additional standardized educational materials and benchmarks that APR 6 clerks must complete under the guidance and supervision of their tutors to be eligible to waive the bar exam. This Law Clerk Admission Coursework should be developed by WSBA in conjunction with the WA Law Schools and the Law Clerk Board and should dovetail with the requirements of the law school graduate apprenticeship. Additionally. Additionally, APR 6 clerks would be required to get the same five hundred hours as an APR 9 intern required for the law school experiential pathway, which can be done while they are participating in the law clerk program.

[20] https://www.law.uw.edu/academics/experiential-learning/clinics

5) Alternative Assessments and Interventions

Because lawyer competence spans careers and is not a moment in time, the WBLTF recommends the investigation and adoption of assessments and data collection that can help ensure lawyers remain competent throughout their careers. While competence to practice law is decided once and only once at the moment of licensure, data shows that the majority of public harms brought about by lawyers occur after more than ten years in practice.[21] More importantly, the data indicates that the majority of lawyer disciplinary issues stem from burnout and carelessness, not lack of legal knowledge.[22] In our current system, the only program in place to protect the public proactively are CLE requirements which, though valuable, are judged based solely on attendance and have no way of ensuring comprehension and retention of information.

The WBLTF recommends that WSBA with the support of the Supreme Court begins the task of investigating and implementing alternative assessments to help identify the strengths and growth areas of new lawyers. LSAC previously studied what traits, qualities, and skills make an effective lawyer. It identified a number of assessments that were highly effective at predicting who would be a good lawyer, and which had no disparate impacts on historically marginalized groups.[23] WBSA could begin by working with the LSAC researchers to offer CLE credit for lawyers to take these assessments. The data from these assessments could be analyzed in conjunction with existing data on lawyer discipline to measure their effectiveness and identify targeted measures that could reduce the risk of lawyers causing harm during their career. This effort should be undertaken in conjunction with a study of recidivism in lawyer discipline in Washington to identify what current programs are most effective at ensuring lawyer competence throughout careers. The information from these two studies will guide the next steps toward strengthening the legal profession and broadening the path to licensure from a moment in time to an ongoing commitment.

6) Reciprocity

Based on the above alternative paths to admission, the WBLTF additionally recommends that the timeline for out-of-state licensed attorneys to be eligible for admission by motion be reduced to one year. For the same reason the WBLTF believes that a six-month post-law-school apprenticeship program is sufficient to qualify a lawyer to practice in WA, the WBLTF believes that actively practicing in another state for one year or more qualifies an attorney to waive out of taking a second bar exam to practice in Washington. Washington law and procedure is not identical to other states, but our current reciprocity requirements are not based on similarity to Washington practice. As the data discussed in detail above demonstrates, readiness to practice

[21] See Washington Discipline System Annual Reports.

[22] Only around 2% of bar complaints relate to RPC 1.1 Competence. 1.4 Communication, 1.3 Diligence, 1.16 Declining or Terminating Representation, and 3.2 Failure to Expedite Litigation account for almost 30%.

[23] Marjorie M. Shultz & Sheldon Zedeck, "Identification, Development, and Validation of Predictors for Successful Lawyering" https://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf; Kyle Rozema "Does the Bar Exam Protect the Public" 2021.

is not about memorization of a jurisdiction's law, but practical knowledge of how to practice law. Actively practicing in good standing for a year in any state demonstrates the experience necessary to practice in Washington.

7) Bar Pass Score

In addition to the above, the WBLTF recommends that action be taken quickly to reduce the bar passage cut score from 270 back to 266. During the pandemic the bar cut score was temporarily reduced to 266. Currently, jurisdictions use cut scores ranging from 260 to 272 with a median of 268 and an average of 267.[24] A recent study examining the California bar exam demonstrated that lowering the cut score for passing the bar exam had a valuable impact on reducing the equity gap in lawyer licensing without risk of harm to the public.[25] While these results are promising, even after substantially decreasing the cut score, a significant gap remains between the pass rates of white applicants and applicants of color. Perhaps the most significant finding of this study was that reducing the cut score has no measurable impact on complaints, charges, or disciplinary action taken against lawyers. There even appeared to be an inverse correlation in which higher cut scores were correlated with an increase in complaints against lawyers. This evidence, while limited, further indicates the flaws in our current bar licensure system. This research should also be considered when assigning a cut score for the Next Gen Bar Exam as Washington State begins that transition.

Frequently asked questions

Q: Why five hundred hours for law school apprenticeship?

A: Five hundred hours ensures that qualifying students have had practical experience above and beyond the basic activities that most law students will accomplish. Most law students will have a 2L summer job spending 10 weeks working in a legal capacity. For students who chose to register under APR 9 for that summer, that results in 400 hours. That would require students to get an additional 100 hours of experiential work during their 3L year to complete the program (about 3 hours of work per week).

Q: Do law schools have to provide opportunities for students to achieve the required 500 apprenticeship hours within the curriculum?

A: No. Given that most law students engage in legal work during their 2L summer, it is assumed that the majority of students who chose to pursue an experiential path will obtain most or all of

[24] The full list of cut scores by jurisdiction can be viewed here https://www.ncbex.org/exams/ube/ube-minimum-scores

[25] Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards
https://deliverypdf.ssrn.com/delivery.php?ID=382022091086004007100077107116106027029011095077058037071001069109067127104092070024048096036099043030006119127008107078067087040066043048077001065085071083102080092008007076008021064017101004121014085094072121003098092087102094000031006068112111127120&EXT=pdf&INDEX=TRUE

the required 500 hours in externships, which can include paid summer work and work during the school year. While some law schools will likely choose to distinguish themselves by offering additional opportunities, this proposal does not impose any requirements on law schools and it is expected that different law schools will make different choices consistent with their individual academic considerations.

Q: Are law schools obligated to offer the experiential track to students?

A: No. This proposal does not in itself mandate any action from law schools. It is assumed that law schools, especially those in Washington, will want to offer an experiential pathway to licensure to their students. However, law schools may place caps on the number of students who can participate each year based on whatever needs and criteria the individual school chooses. Students who are unable to graduate and immediately waive out of the bar will still have the opportunity to participate in a graduate apprenticeship and obtain a license through that program. For students who are not able to participate in the experiential track, law schools that wish to help will still have an opportunity to aid those students in obtaining apprenticeships in much the same way the schools aid in obtaining first jobs out of school.

Q: What is the experience requirement for tutors in the graduate apprenticeship program?

A: APR 6 requires that a tutor have practiced for at least ten years of the last twelve years and have no disciplinary sanctions in the last five years. As part of this proposal the WBLTF recommends reducing the practice requirement to seven of the last ten years. This will increase involvement in the struggling marketplace of tutors and create more opportunities for law clerks and graduate apprentices without having a negative impact on the quality of tutors.

Q: How many applicants can a tutor oversee in the graduate apprenticeship and law school programs?

A: Under APR 6, tutoring is always one-to-one. To ensure quality of tutoring, this rule should be maintained for the graduate apprenticeship program. Under APR 9 the number of interns that can be supervised by a single attorney varies based on practice. Law School faculty are authorized to supervise ten students. Public sector attorneys are authorized to supervise four students, and private practice attorneys are authorized to supervise one law student. To increase, involvement the WBLTF recommends increasing the number of students a private practice attorney is authorized to supervise from one to four.

Q: Do the graduate apprenticeship and law school programs apply only to ABA accredited law schools?

A: No. The history of the accreditation system is steeped in the same racism and lack of pedagogical justification that mires the bar exam. Accreditation was another way for the ABA and states to preclude people of color and the poor from having access to the legal profession. Many of the early non-accredited schools were looked down upon for their focus on practical skills and even at times their focus on training students to pass the bar exam. Under this

program, WSBA will have more control of entry to our profession and in that will have the right to look at the programs of other schools (accredited and not) to determine if the coursework qualifies a graduate for licensure.

Q: Who will determine whether a law school skills course curriculum is qualified?

A: Under our current system, to be eligible for the bar exam law students must graduate from "a law school approved by the Board of Governors." Under this proposal the Board of Governors would continue in that same role determining which state's legal intern programs are approved and which law schools have a sufficient skills course curriculum.

Q: Are LL.M. students included in the law school apprenticeship and graduate apprenticeship programs?

A: Yes. While accomplishing the requirements of the apprenticeship programs will be more difficult for LL.M. students due to time in school and visa requirements, there is no rational basis to exclude LL.M. students from this program. Rather, LL.M. students would greatly benefit from the practical experience requirements of the apprenticeship programs. See attachment for additional information.

Q: Who would decide if another state's program is "equivalent" to APR 9?

A: Under this proposal, the current licensing review programs would be expanded in purpose to review apprenticeship applications and make determinations about whether out of state applicants had met the requirements. For example, an applicant from Indiana would have only been required to complete half of the law school curriculum instead of two-thirds as required by APR9. The Board would be charged with reviewing the program and determining whether that timing change had a meaningful impact on the practice-readiness of the applicant.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Steve Crossland, Limited License Legal Technician (LLLT) Board Chair
Cathy Biestek, Managing Regulatory Counsel &
WSBA Staff Liaison to LLLT Board

DATE: April 5, 2024

RE: Informational Presentation Regarding LLLT License Post-Sunset

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INFORMATION/PRESENTATION: Informational presentation regarding LLLT license post-sunset.

The LLLT-license pipeline closed July 31, 2023, in accordance with the Washington Supreme Court's decision to sunset the LLLT license per Supreme Court Order Nos. 25700-A-1361 and 25700-A-1428. There are currently 86 LLLT members of the WSBA. Representatives of the LLLT Board will provide an informational presentation on the LLLT license post-sunset and invite questions from current BOG members regarding the LLLT license.

The goal of the presentation is to provide BOG members with information about the LLLT license, including its history, administration, and impact, and share reflections on knowledge gained from being the first state in the country to adopt a paraprofessional license of its kind.

Attachments

LLLT Informational PowerPoint Presentation: *Overview of the Limited License Legal Technician (LLLT) License (May 2024)* with hyperlinks included.

OVERVIEW OF THE LIMITED LICENSE LEGAL TECHNICIAN (LLLT) LICENSE

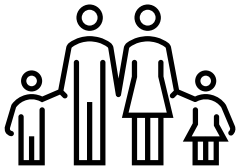
Sarah Bové
Christine Carpenter
Stephen Crossland

May 2024

LLLT LICENSE ORIGIN

2003 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY of low-income populations revealed unmet need for legal services for both low- and moderate-income populations, with areas of greatest need

HOUSING LAW



FAMILY LAW

CONSUMER LAW

LLLT LICENSE: FIRST IN THE NATION

June 2012 Supreme Court Order No. 25700-A-1005

adopted APR 28 - LLLT Rule

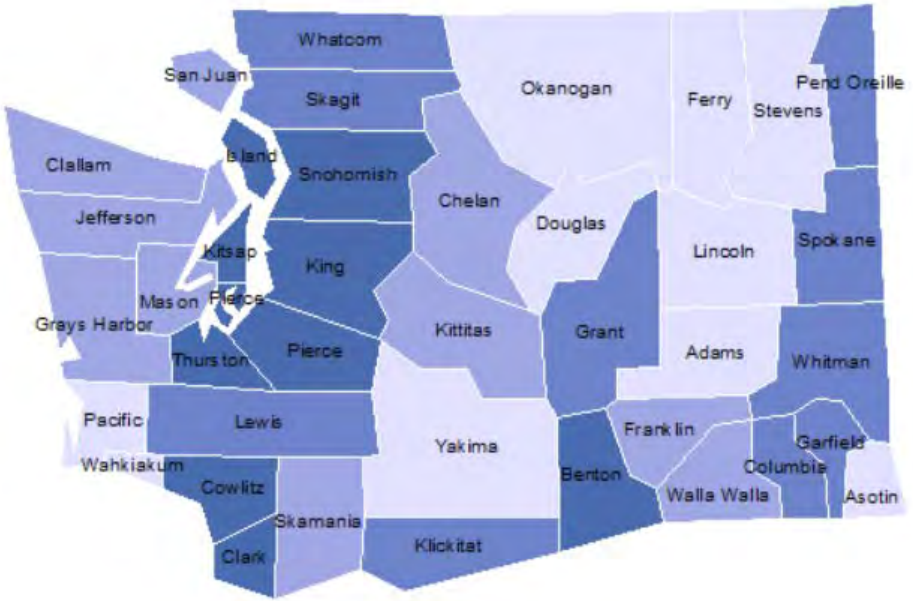
- "we have … witnessed the wide and ever-growing gap in necessary legal and law related services for low and moderate income persons."
- "[The civil legal system] … is unaffordable not only to low income people but, as the 2003 Civil Legal Needs Study documented, moderate income people as well (defined as families with incomes between 200% and 400% of the Federal Poverty Level."
- "[w]e have a duty to ensure the public can access affordable legal and law related services, and that they are not left to fall prey to the perils of the unregulated market place."

In 2015, Supreme Court issues first LLLT licenses.

WASHINGTON INCOME LEVELS

Average Wages, 2021

Inflation-Adjusted to 2021 Dollars



Family Size	2024 Federal Poverty Level (FPL) Income*	Moderate Income 200-400% FPL (2024)
1	$15,060	$30,120-$60,240
2	$20,440	$40,880-$81,760
3	$25,820	$51,640-$103,280
4	$31,200	$62,200-$124,800

*https://www.healthcare.gov/glossary/federal-poverty-level-fpl/

WA State Office of Financial Management Average Wages by County Map

https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/economic-trends/washington-and-us-average-wages/average-wages-county-map

THE LLLT LICENSE

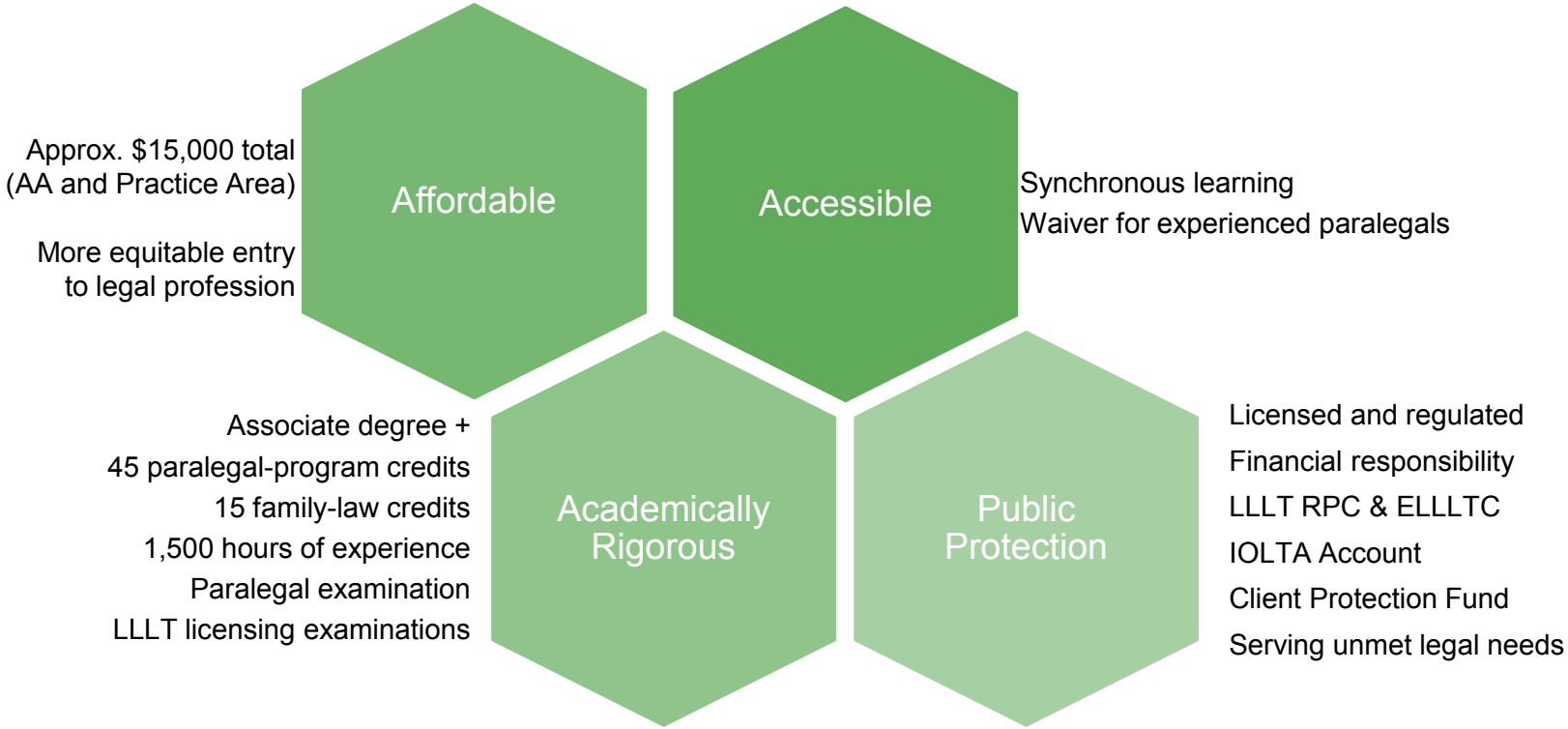
Purpose of the LLLT License: to serve the public with qualified and regulated legal services providers at a price that the consumer can afford.

LLLT Scope of Practice: LLLTs are licensed to provide legal advice and limited legal services in family law matters including child support modification actions, dissolution, and domestic violence actions.

LLLT Business Models:

- Solo LLLT practices
- Employment with firm
- Co-Ownership of Law/LLLT Firm
- Government
- Civil legal aid providers/ volunteer lawyer programs

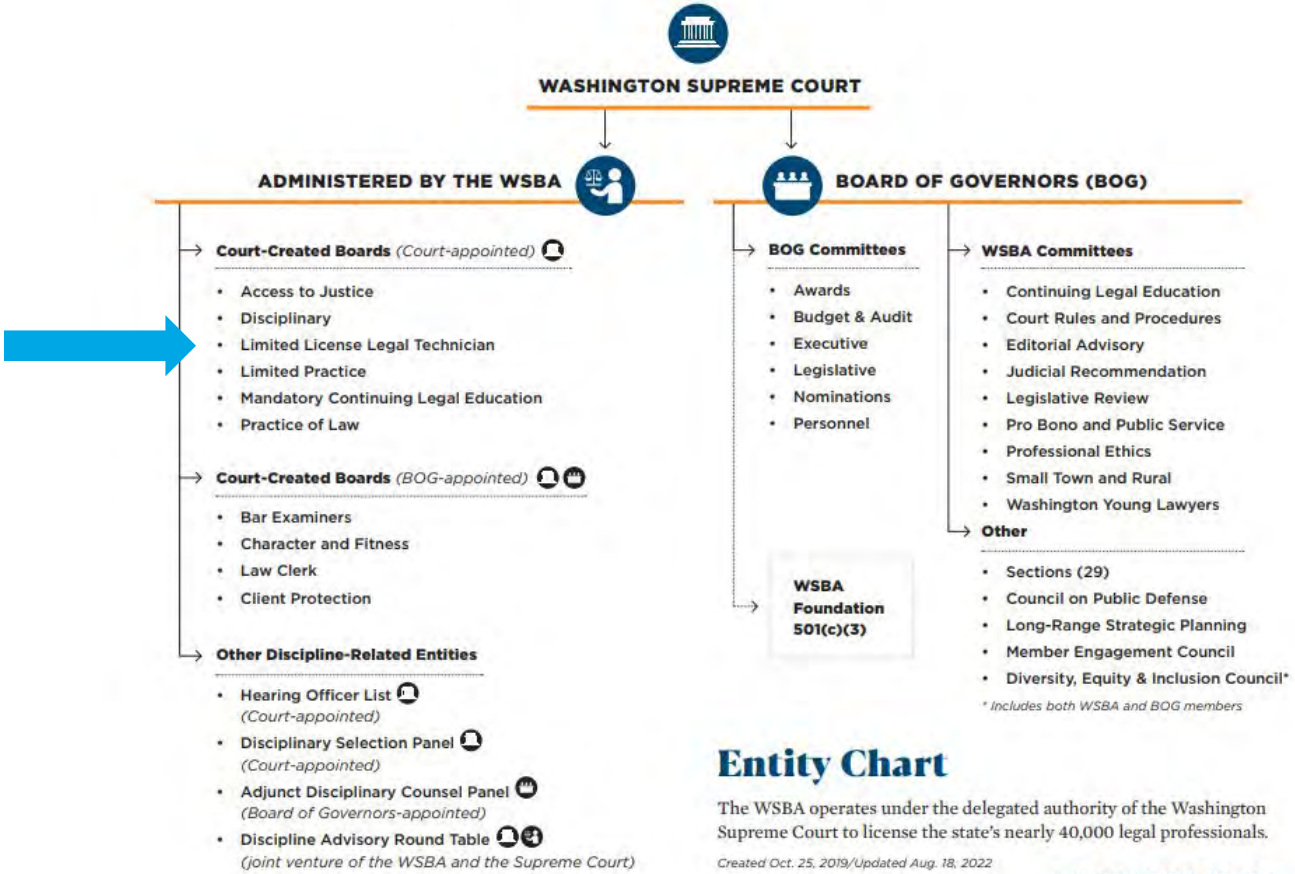
LLLT LICENSE: AN ALTERNATIVE PATHWAY TO LEGAL PROFESSION



WASHINGTON SUPREME COURT DECISION TO SUNSET LLLT LICENSE

- June 2020 Supreme Court Letter re Decision to Sunset, providing "after careful consideration of the overall costs of sustaining the program and the small number of interested individuals, a majority of the court determined that the LLLT program is not an effective way to meet these needs…."
- June 2020 Justice Madsen's Dissent to Decision to Sunset LLLT Program, "disagree[ing] with the court's vote as well as the way in which it was carried out."
- July 2021 Supreme Court Order No. 25700-A-1361 adopted amendments to APR for sunset of LLLT licensing.
- June 2022 Supreme Court Order No. 25700-A-1428 required all remaining LLLT applicants to complete preadmission requirements by July 31, 2023.

See Decision to Sunset LLLT Program webpage to review communication and history regarding Court's decision to sunset LLLT Program.



https://www.wsba.org/docs/default-source/legal-community/volunteer/volunteer-toolbox/wsba_entity-chart_8.18.22.pdf?sfvrsn=847010f1_5

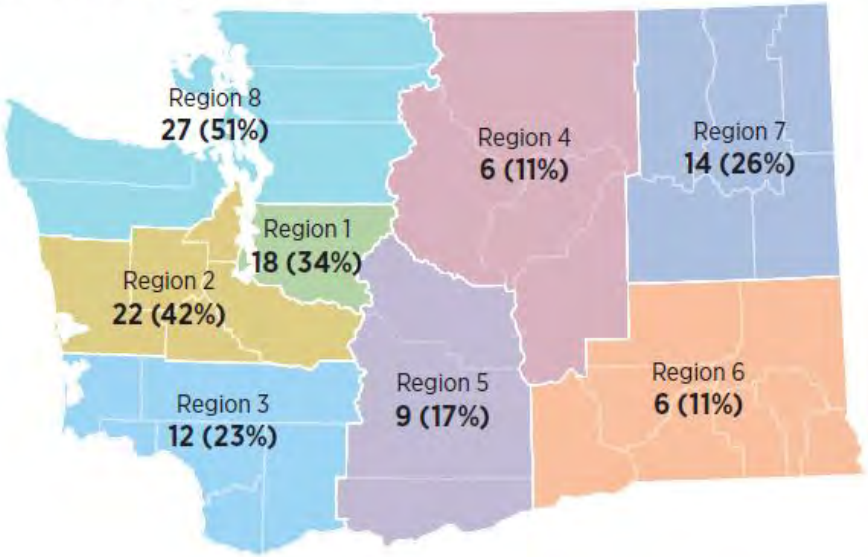
CURRENT STATUS OF LLLT LICENSE

- LLLT Board oversees 86 LLLTs currently
  - Provides required supplemental education to LLLTs.
  - Approves forms, including real property division form in September 2023.
  - Carries out functions under ELLLTC relating to LLLT discipline system.
- LLLT License FY2024 Budget:
  - Revenue ($20,712): LLLT license fees and late fees;
    Lack opportunity to increase with LLLT license in sunset status
  - Expense ($91,840): LLLT Board and WSBA staff expenses related to ongoing regulatory oversight of LLLT license

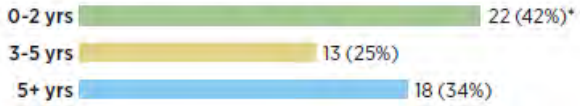
IMPACT OF LLLTs

In January 2024, the LLLT Board surveyed the WSBA's then eighty-eight LLLTs to better understand the current impact of the LLLT license in Washington. Fifty-three LLLTs participated (60% response rate), representing a cross-section of LLLT experience levels and demonstrating a LLLT presence throughout the state.

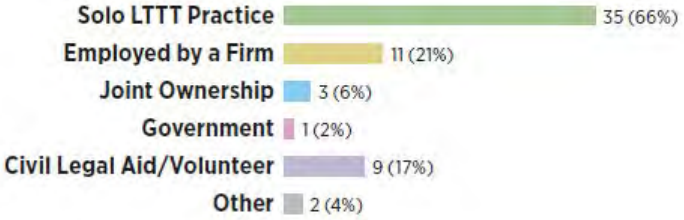
Regions Where LLLTs Practiced or Served Clients



Years Licensed as LLLT



LLLT Business Structure

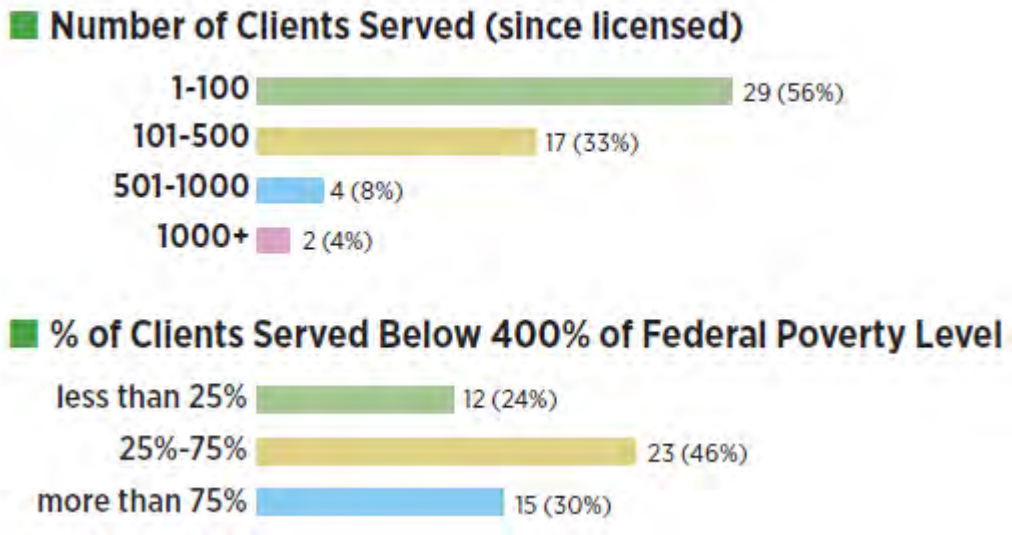


*Data labels refer to the number of responses and % of total responses.

IMPACT OF LLLTs

January 2024 LLLT Survey Responses

- Significant portion of responding LLLTs' clients are below 400% of Federal Poverty Level

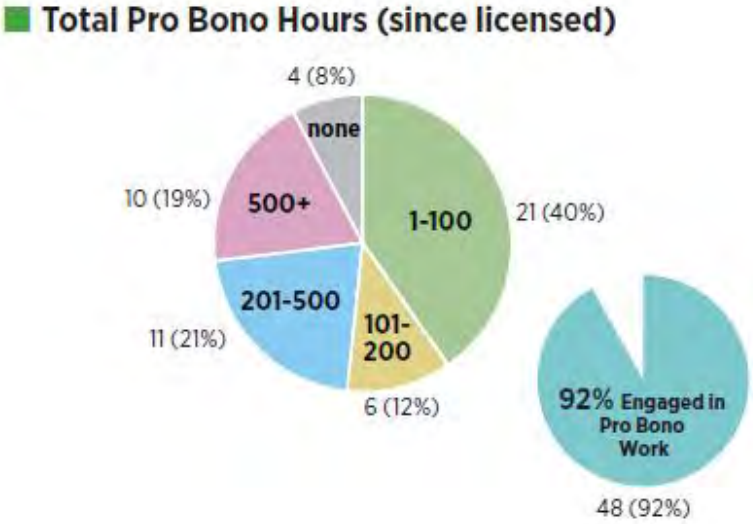


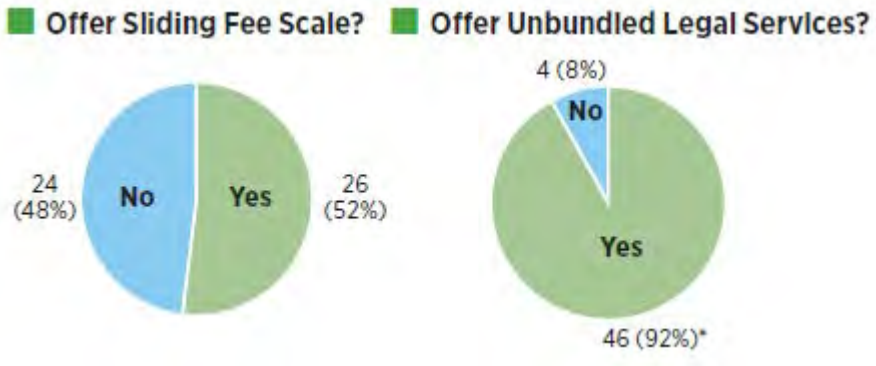
*Data labels refer to the number of responses and % of total responses.

IMPACT OF LLLTs

January 2024 LLLT Survey Responses

- Nearly all responding LLLTs have engaged in pro bono hours (as defined in LLLT RPC 6.1)
- Over half of responding LLLTs offer sliding fee scale

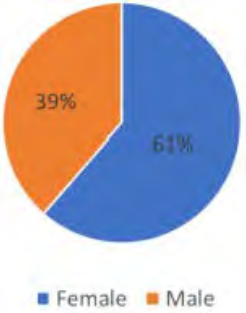




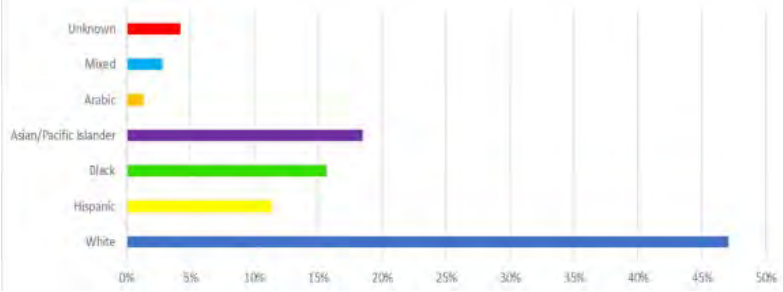
*Data labels refer to the number of responses and % of total responses.

IMPACT OF LLLTs: ONE LLLT's STORY

Client (%) Gender

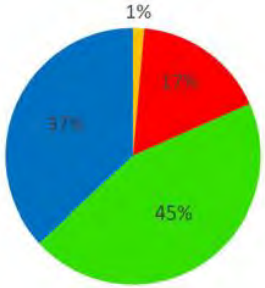


Client (%) Race/Ethnicity

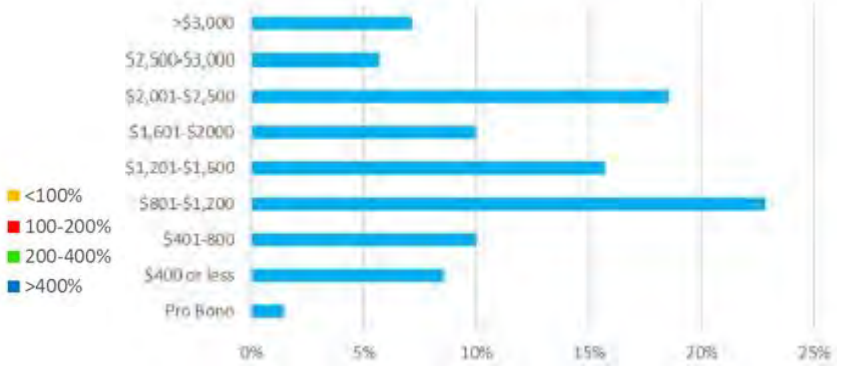


Case/Task Types

Client (%) FPL Level



Fees Paid Per Client for All Actions within Case



IMPACT OF LLLTs

Highlighting a few LLLTs recognized for pro bono service in their communities:

- **Andren Moyer** presented with the Dedicated Service Award in 2024 and recognized as the June 2023 Very Important Volunteer (V.I.V.) by the Volunteer Lawyers Program of Spokane County Bar Association.
- **Mark Von Weber** presented with the Gene Schuster Award in 2023 by the Benton-Franklin Legal Aid Society.
- **Sarah Bové** presented Pro Bono Award in 2023, along with attorney Rene Cespedes, with whom Sarah works, by Eastside Legal Assistance Program (ELAP).
- **Lorena Mendoza** presented with the Gene Schuster Award in 2022 by the Benton-Franklin Legal Aid Society.
- **Lesli Ashley** recognized as the July 2021 V.I.V. by the Volunteer Lawyers Program of Spokane County Bar Association.

IMPACT OF LLLTs

"There is considerable evidence that for the LLLTs, their clients, the lawyers who work with them, the judges who decide family-law cases, and attorneys who employ LLLTs, the program has been a real success. The LLLTs have provided competent legal services to moderate means Washingtonians at critical moments in their lives. Their professionalism and proficiency in family law have enabled more efficient proceedings and better decision-making for the commissioners who conduct pre-trial proceedings and judges who hold trials, improved outcomes for clients, and added more business for attorneys who have hired LLLTs to capture a previously untapped market."

Jason Solomon & Noelle Smith, The Surprising Success of Washington State's Limited License Legal Technician Program, Stanford Center on the Legal Profession, April 2021, at page 5, https://law.stanford.edu/publications/the-surprising-success-of-washington-states-limited-license-legal-technician-program/.

A NATIONAL TREND

Licensed Legal Paraprofessional Programs:

Year	State	Program	Status
2012	Washington	Limited License Legal Technicians	Sunset (July 2023)
2018	Utah	Licensed Paralegal Practitioner	Currently Licensing
2020	Minnesota	Legal Paraprofessional Pilot Project	Pilot program extended through March 2024
2021	Arizona	Legal Paraprofessional	Currently Licensing
2023	Colorado	Licensed Legal Paraprofessionals	Currently Licensing
2023	Oregon	Licensed Paralegals	Currently Licensing
2023	New Hampshire	Paraprofessional Pilot Program	Pilot program began January 2023

- With other states considering similar licensed legal paraprofessional programs and/or implementing other programs allowing legal-aid workers, court navigators or others to provide legal assistance in discrete areas of law.

- Entities in Washington continuing to consider alternative legal-service providers as a way of closing the justice gap, including the Practice of Law Board and the Access to Justice Board.

LLLT LICENSE: REFLECTIONS ON THE EXPERIENCE

- **Practice Areas**: Provide for more practice areas from the start (e.g., family-law, evictions, and debt-collection matters).
- **Experience Requirement**: Lower experience requirement hours and provide waiver for those who have pursued higher education, bachelor degrees and JDs.
- **Course Delivery**: Work with community colleges to provide practice-area curriculum and create opportunity for financial aid.
- **Mentorship**: Create opportunities for those new to the legal field to form professional mentorships with attorneys and LLLTs.
- **Marketing**: Increase awareness of existence of the license and the services that LLLTs provide.
- **Data**: Gather data to evaluate the effectiveness of the license and ways in which the license might be improved to better serve the public.
- **Collaboration**: Communicate benefits and opportunities of working with LLLTs to judges and attorneys.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Kyle Sciuchetti, Chair of the Task Force Administering Xenial Involvement with Court Appointed Boards
Terra Nevitt, Executive Director

DATE: April 6, 2024

RE: Proposed Policy for WSBA's Administration of Supreme Court Boards.

SECOND READ/ACTION: Approve Proposed Policy for WSBA's Administration of Supreme Court Boards for Consideration by the Washington Supreme Court

The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB) is seeking the Board of Governors' approval to propose the attached policy for WSBA's administration of Supreme Court boards ("the Boards") to the Washington Supreme Court for adoption. This policy was presented for discussion at the March 3-4, 2023 BOG meeting, for a first reading at the June 23-24, 2023 BOG meeting, and is now being presented for a second reading.

The policy has been revised since it was presented in June based on stakeholder input and numerous discussions with interested parties. A redline version of the policy is attached to highlight those changes.

Background

Washington General Rule 12.3 charges WSBA with the "authority and responsibility to administer certain boards and committees established by court rule order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions." WSBA administers several such entities and over the years, challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of "administration," conflicting policy objectives, and decision-making authority.

TAXICAB was created by the Board of Governors on April 17, 2020, to assess WSBA's role in administering the Boards, work with the Court to ensure that such administration is consistent with the Court's intent, and to convey to the Court information about the boards and member concerns. After identifying the recurring challenges and determining that a lack of clarity in how GR 12.3 is to be carried out as one of the causes behind those challenges, the task force determined that a policy, approved by the Supreme Court, that detailed WSBA's administration of the Boards, would help to alleviate some of the recurring challenges.

TAXICAB is comprised of six then-members of the Board of Governors and six representatives from the Boards. The representatives provided regular updates and opportunities to review the draft policy to their boards throughout the

process of developing the process. The proposed policy was unanimously adopted for recommendation to the Board of Governors at its February 8, 2023, meeting. The attached revisions were shared with current members of those Boards in January 2024. Input was solicited and discussed by members of TAXICAB on February 9, 2024.

When this policy was first presented to the Board of Governors for an initial discussion at the March 3-4, 2023 meeting, there were no questions raised or input provided by members of the Board of Governors. However, the Board did receive feedback from Nancy Hawkins on behalf of the Family Law Section in opposition to the policy and expressing concern that the policy favors Boards and should include sections in addition to Boards. These concerns were considered and it was determined that if the Sections wished entry into a similar arrangement it should do so separate and apart from this policy was designed to address only Supreme Court Boards.

The policy was presented to the Board of Governors for first read at the June 23-24, 2023. During that meeting, members of the Board of Governors raised questions about whether the policy was needed and how it would positively affect the status quo. There was also a specific concern included that Section 3.5 of the memo was effectively a change to the WSBA Bylaws. That concern has been addressed in the revised proposed policy. Nancy Hawkins again provided public comment in opposition to the proposed policy.

Intended Impact of the Policy

In recent memory, and perhaps beyond that, there has been periodic conflict and tension between WSBA and the Boards. These conflicts almost always relate to resources and decision-making authority and tension revolves around a central unanswered question: "to what extent are these entities independent from WSBA?" The Boards are created by the Supreme Court and "administered" by WSBA under GR 12.3, so they are clearly of a different character than entities created by the Board of Governors and fully governed by WSBA. And yet, they are funded by WSBA license fees, through a budget approved by the Board of Governors; much of their work is carried out by WSBA employees; volunteers are recruited, trained, and supported by WSBA processes and policies; and, crucially, they lack a separate legal identity that would enable them to open a bank account, enter into a contract, or be a party in a lawsuit. Examples of specific conflicts and questions that have arisen over the years are listed below. Most of these conflicts are minor, while others have been highly disruptive and public. These conflicts have touched nearly all, if not all, of the Boards.

Areas of Conflict/Question

- Are the Boards subject to the open meetings provisions of the WSBA Bylaws? Can they hold executive sessions for reasons other than those articulated by the WSBA Bylaws? Can they exclude staff from a meeting? Can they exclude their BOG liaison from a meeting?
- Are the Boards subject to the limitations of GR 12.2? Are the Boards subject to WSBA's public comment policy? Can the Boards take public positions on federal policy or otherwise? Are Boards positions subject to review by WSBA prior to taking a public position?
- Can WSBA direct the Boards to not engage in an activity that it has determined may expose the organization to liability? In the case of a lawsuit, is WSBA liable for the actions of the Boards? Will WSBA defend and/or indemnify volunteers of the Boards? Are volunteers of the Boards considered WSBA volunteers and will insurance coverage extend to their actions?
- Are there any limits on the Board of Governors' decision making over the Boards' budgets? Can the Board reject any budget proposal for any reason? As a mechanism to direct the actions the Boards? To effectively defund the Boards?

- Do the Boards play a role in hiring or evaluating the staff assigned to support and carry-out their work?
- Can the Boards direct the actions of WSBA staff? Who decides the priorities of WSBA staff?
- Are there any limits on the Executive Director's ability to direct the actions of staff assigned to support and carry-out the work of the Boards?
- Can the Board of Governors direct the Executive Director to intercede into the actions or work of the Boards?
- Do the Boards have access to other WSBA staff and resources (beyond the assigned staff liaison) such as graphic design, the ability to send emails to the membership, broadcast technology, or the ability to partner with WSBA CLE? Who decides the priorities for use of these resources?
- Who has final say over the proposed budget submitted to the Board of Governors for the Boards?
- Can the Boards use WSBA letterhead? Are they a required to use WSBA letterhead? Are they allowed to develop their own logos and/or letterhead?

Aspects of the Policy that Formalize Current Practice

- 3.0 establishes that WSBA is not limited in its ability to take actions to protect itself from liability.
- 3.1 establishes that Supreme Court Boards are subject to all applicable statutes, court rules, and orders.
- 3.2 establishes that WSBA and the Boards will work collaboratively to help the Boards to carry out their duties as set forth by their authorizing rules/orders.
- 3.3 establishes that the Boards may communicate with the public without prior authorization by the Executive Director of the BOG. Boards will not use WSBA letterhead, except in the case of regulatory communications.
- 4.0, 4.1, 4.2, and 4.3 establish that the Executive Director is responsible for assigning staff to each Board; that staff are WSBA employees subject to all WSBA personnel policies and the supervision of the Executive Director; and that Boards are not involved in the hiring of WSBA staff.
- 4.1 establishes that it is the Executive Director's responsibility to allocate staff resources based on each Board's projected workload and overall WSBA capacity.
- 4.2 establishes the nature of the relationship between the staff liaison and the Board. Specifically, that the staff liaison is not a member of the Board, does not vote, and does not impact quorum.
- 4.2 establishes that the staff liaison will facilitate access to other WSBA resources and that access to those resources is limited by WSBA's overall capacity.
- 4.2 establishes that the staff liaison is not responsible to direct the work of a Board.
- 4.4 establishes that appointments to the Boards are determined by their authorizing rule/order.
- 4.5 establishes the nature of the relationship between the BOG liaison and the Board. Specifically, that the liaison is not a member of the Board, does not vote, and does not impact quorum.
- 4.6 establishes that it's within the Boards' exclusive purview to make decisions about their internal structure and operations, unless otherwise defined by their authorizing order/rule.
- 5.0 establishes WSBA's duty to oversee and monitor the compliance of the Boards with their authorizing rules/orders.
- 5.0 establishes that the Boards are subject to GR 12.4, which relates to access to bar records.
- 5.1 establishes that the Boards shall submit annual reports to the Court and provide a copy to the Executive Director and Board of Governors.
- 6.2 articulates the process for a Board to request funding outside of the budget cycle.
- 7.0 establishes that WSBA can engage in activities or make resources available to support the Boards in their work, subject to WSBA's overall capacity.
- 8.1 establishes a duty on WSBA to cooperate with the Board and Court to provide and defend any immunity

provided by a Board's authorizing court order/rule.

Aspects of the Policy that Shift Current Practice or Provide Clarity in Areas of Prior Conflict

- 3.0 defines the nature of the relationship between WSBA and the Boards. Specifically, the policy establishes that the boards are "independent" from WSBA and defines what that means.
- 3.3 establishes a duty on Boards to not knowingly engage in communications that would subject WSBA to liability and to seek prior input from the Executive Director if there is a reasonable question as to risk.
- 3.4 and 5.0 acknowledges that the Boards are subject to first amendment limitations on the use of compelled license fees. Note that the policy does not make the Boards subject to the limitations of GR 12.2 or the WSBA Bylaws.
- 3.5 establishes a duty on the Executive Director to notify Boards when a WSBA proposed rule or policy change is pending that will have a direct affect on a Board's activities or functions.
- 3.6 establishes a duty on Boards to notify the Executive Director prior to taking any action that may expose the WSBA to liability.
- 4.3 encourages soliciting input from the Boards about the staff liaison's performance.
- 4.3 encourages soliciting input from the Boards about the skills and experiences required for the role.
- 5.2 establishes a conflict resolution process that calls on the Supreme Court to ultimately resolve disputes.
- 6.1 establishes that the budget for Boards is to be created collaboratively with the Board and the Executive Director (or designee) and that the Board of Governors cannot pass a budget for a Board without providing an opportunity for input by that Board.
- 6.3 provides guidance for establishing Board budgets. Specifically, that Boards should be funded at a level that ensures they can meet their functions and duties; that the Board of Governors has the authority to establish that budget; and that budgetary discretion cannot be used to interfere with a Board's independence as defined in section 3.0 of the policy.
- 6.4 establishes that a Board can engage in fundraising and will need to seek the approval of WSBA or the WSBF to accept and manage the funds. It also provides for an outside fiscal sponsor with the consent of WSBA or the Court.
- 8.2 establishes that the indemnification provided in the WSBA Bylaws to volunteers extends to members of the Boards.

Areas of Potential Conflict that the Policy Does Not Address

- There is some lack of clarity about which entities are governed by GR 12.3. This policy does not clarify that further. Section 2.0 limits the scope of the policy to current and future "Supreme Court Boards administered by WSBA." This is narrower than GR 12.3 and also leaves some room for interpretation.
- The policy does not make the Boards subject to the WSBA Bylaws and does not address open meetings requirements, including whether a staff or BOG liaison can be excluded from an executive session.
- The policy does not specifically address how a Board might engage in activities that it is not prohibited from carrying out, but that a staff liaison would not be permitted to engage in given that employees are subject to all WSBA policies, all aspects of the WSBA Bylaws, and all laws, court rules, court orders, and policies affecting WSBA, including GR 12.2 and the WSBA Bylaws.
- The policy does not specifically state that volunteers serving on Supreme Court Boards are "WSBA volunteers," although it does provide for indemnification to the same extent as WSBA volunteers.

The areas of conflict not addressed proved to be too intractable to find consensus and ultimately may need to be

considered in the future by the Task Force and/or ultimately answered by the Supreme Court. Instead, the policy seeks to bring clarity to the procedures and processes that often give rise to conflict, including staffing, budget, taking public positions, and assessing risk. For the most part, the policy makes explicit/formal what is already informally in practice, with a few exceptions highlighted above. Importantly, the policy also sets forth a process for resolving disputes. In so doing, the intent is to reduce conflict for staff and volunteers by establishing shared expectations about day-to-day processes and decision-making. While this step may feel modest, it should be noted that WSBA's position on the questions described above has shifted over time depending on the people involved, which has contributed to a lack of clarity.

Attachments

- June 8, 2023 Memo to the Board of Governors Re Proposed Policy for WSBA's Administration of Supreme Court Boards
- February 15, 2023 Memo to Board of Governors Re Proposed Policy for WSBA's Administration of Supreme Court Boards
- Proposed Policy for WSBA's Administration of Supreme Court Boards
- February 26, 2021 Executive Director Memo Re WSBA's Administration of Supreme Court Entities Background and Authority

TO: WSBA Board of Governors

FROM: Kyle Sciuchetti, Chair of the Task Force Administering Xenial Involvement with Court Appointed Boards
Terra Nevitt, Executive Director

DATE: February 15, 2023

RE: Proposed Policy for WSBA's Administration of Supreme Court Boards.

FIRST READ: Provide Feedback on Proposed Policy for WSBA's Administration of Supreme Court Boards

The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB) is seeking feedback from the Board of Governors regarding its proposed policy for WSBA's administration of Supreme Court boards. If ultimately approved, TAXICAB recommends that the policy be presented to the Washington Supreme Court for adoption in order that it be binding on both WSBA and the Supreme Court boards administered by WSBA.

Background

GR 12.3 charges WSBA with the "authority and responsibility to administer certain boards and committees established by court rule order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions." WSBA administers several such entities and over the years, challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of "administration", conflicting policy objectives, and decision-making authority.

TAXICAB was created by the Board of Governors on April 17, 2020, to assess WSBA's role in administering Supreme Court boards, working with the Court to ensure that such administration is consistent with the Court's intent, and conveying to the Court information about the boards and member concerns. After identifying the recurring challenges and determining that a lack of clarity in how GR 12.3 is to be carried out as one of the causes behind those challenges, the task force determined that a policy, approved by the Supreme Court, that detailed WSBA's administration of Supreme Court boards, would help to alleviate some of the recurring challenges.[1]

A subcommittee of TAXICAB developed the proposed policy, which was reviewed several times by the task force and unanimously adopted for recommendation to the Board of Governors at its February 8, 2023, meeting.

This policy will not eliminate the tension that exists in WSBA's administration of Supreme Court boards, and the task force ultimately did not reach agreement on the extent to which the boards should be considered "separate" from WSBA and it could be useful to seek feedback from the Court on that question.

[1] The task force considered and rejected several other solutions, including MOUs between WSBA and each Supreme Court Board such as WSBA currently has with the Access to Justice Board and proposing amendments to GR 12.3.

Community Input

TAXICAB is comprised of six members of the Board of Governors (at the time of creation) and six representatives from Supreme Court Boards administered by WSBA.[2] The representatives provided regular updates and opportunities to review the draft policy to their boards throughout the process of developing the process. There are no significant concerns outstanding.

The task force has not circulated this proposed policy further than its members and the boards they represent.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Requested Board Action: The BOG is asked to take two actions: (1) approve a policy setting out the joint interpretation of GR 12.3 and the conflict resolution process; and (2) recommend that the Supreme Court issue an order adopting this policy interpretation of GR 12.3.

Legal Risks Identified for Discussion or Clarification:

This policy sets out a joint understanding of the terms used in GR 12.3 and an agreed conflict resolution mechanism. It also establishes an agreed interpretation of GR 12.3 that is intended for Court approval and appears to decrease the risks associated with WSBA administration of court created boards. Legal risks could be associated with unclear terms or lack of Court approval. Part of the value in this document is knowing that the Court-created boards, the WSBA and the Court all agree on the GR 12.3 interpretation. It appears that the intent is to present the policy for approval by the Court, because it could cause confusion if the Board adopted a policy for Court-created boards that the Court declined to adopt. To avoid such confusion the Board might wish to consider treating this as a Court rule, which is recommended to the Court, but not "adopted" or "approved" by the Board.

This policy does not address potential changes to GR 12.3 and the Task Force was not tasked with this issue.

The Board may wish to discuss the following issues:

2.0 Scope-there is no definition of "Supreme Court Boards administered by WSBA." The BOG may wish to discuss whether a clear definition would make the policy scope clearer.

3.1 "Boards are subject to all Washington Statutes" might be overly broad. The Board may want to discuss the purpose of this sentence given that some statutes do not apply to the WSBA.

3.5 This section appears to essentially change the Bylaws. The Board may want to determine whether to make a change to the Bylaws rather than use two documents to determine when items need first read.

8.0 This section reflects our current understanding and does not represent a change.

[2] The six boards represented on TAXICAB are the Access to Justice Board, Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board, and Practice of Law Board. WSBA actually administers *ten* boards that are created by court rule or order and there is considerable variety among those boards in terms of the nature of their work, how their members and chairs are appointed, and their level of engagement with the Court. In forming TAXICAB, the drafters identified that the Supreme Court boards that exercise greater independence from WSBA tend do be the ones with greater opportunity for conflict. For the purposes of TAXICAB and the proposed policy, the only boards that have been included are those that have all of their members appointed by the Court.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The proposed policy clarifies WSBA's current administration of Supreme Court Boards and does not change the work in any way that is anticipated to have a fiscal impact. Note that the annual cost to administer the six boards addressed by the proposed policy in FY22 was approximately $577K, broken down as follows:

- Access to Justice Board: $158,166
- Disciplinary Board: $133,489
- Limited License Legal Technician Board: $87,338
- Limited Practice Board: $54,267
- Mandatory Continuing Legal Education Board: $73,554
- Practice of Law Board: $70,180

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The task force did not undertake a specific equity analysis in developing this proposal. Questions to be considered before the Second Reading include:

- **BACKGROUND**: Who does this policy ultimately impact? Staff, volunteer members of the boards and the public? Of those groups, are there any marginalized groups who could be disproportionately impacted?
- **PROCESS**: How did TAXICAB go about the work to draft this policy? In the process of drafting it, did TAXICAB collaborate with the groups this will impact? Are there any people who might be impacted who were left out of the drafting process, and if so, why?
- **IMPACT**: What was TAXICAB hoping the policy will do? Is it intended to increase clarity and transparency? If so, then naming that is helpful. Does this policy have the potential to disparately impact some individuals or communities, and not others? Is there a need to track the impact to make sure it's not over burdening some groups?

Attachments

Proposed Policy for WSBA's Administration of Supreme Court Boards
Executive Director Memo Re WSBA's Administration of Supreme Court Entities Background and Authority

Joint Administration Policy Between the Washington State Bar Association and the Supreme Court Boards

1.0 Introduction

Under Washington State Court General Rule 12.3, the Supreme Court (Court) delegates to the Washington State Bar Association (WSBA),

> "[t]he authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions."

Supreme Court Boards (Boards) report directly to the Court. The duties and functions these Boards perform on behalf of the Court are important to the public, the Court, and WSBA and its members.

2.0 Scope

This policy applies to all current and future Supreme Court Boards administered by WSBA.

3.0 Board Independence

Supreme Court Boards are created by and derive their authority from the Washington Supreme Court. They are independent from WSBA in that they set their own priorities and goals and determine how to carry out their duties and functions as authorized by the Supreme Court. Boards' independence does not limit WSBA's authority or responsibilities under GR 12.3 or to direct its own activities, including taking action to protect the WSBA from liability.

3.1 Effect of Court Rules and Statutes on Board or Committee Independence

Boards are subject to Washington Statutes, and Washington court rules and orders, including such court orders or rules that authorized the Board, and which regulate each Board's duties and functions. This specifically includes GR 12.4 governing records and public access to records.

3.2 WSBA's Administration of Boards

WSBA recognizes that GR 12.3 provides each Board independence in terms of carrying out its activities consistent with any Court order or rule authorizing its existence. WSBA and the Boards will work cooperatively and maintain respect

for the Boards' independence as needed to ensure that the Boards can carry out their duties and functions as authorized by the Supreme Court and that the WSBA can fulfill its duties under GR 12.3.

3.3 Communication with the Public

WSBA acknowledges that Boards have the authority to communicate with the public. Boards will not state that any communication is being made on behalf of WSBA. Boards will not use WSBA letterhead for any public communication. Boards will not knowingly engage in any communications that would subject the WSBA to liability. If there is a reasonable question as to the risk a communication might pose, Boards will seek input from the Executive Director prior to publishing or distributing the communication. The prohibition on using WSBA letterhead does not apply to communications related to regulatory matters.

3.4 Lobbying Activities

WSBA acknowledges that Boards, in order to carry out their mission, may take positions on matters of public interest. These positions may include communicating with federal, state, and local governmental and community leaders. Constitutional limitation on the use of compelled license fees apply to the Boards' activities to the extent that they are funded by license fees.

3.5 WSBA Policy Changes

When there is proposed change to a WSBA policy, a proposed adoption of a new WSBA policy, or a WSBA proposal to change a Court rule, that the Executive Director believes will directly affect a Board's activities or functions, The Executive Director or their designee will notify the potentially affected Board(s) of the proposal as soon as is practicable and prior to final action, so each Board shall have the opportunity for comment with the Board of Governors, the Executive Director, and the Court.

3.6 Board Action

When a Board is considering taking action that it believes may expose the WSBA to liability, the Board chair will take steps to ensure that the WSBA Executive Director receives notice of the proposed action. The notice will be given so that the WSBA will have adequate time to provide input into the Board's decision-making process.

4.0 Staffing

The Executive Director provides and manages staff for each Board.

4.1 Staff Liaison

The Executive Director shall assign a staff member to serve as a Staff Liaison to each Board. The Staff Liaison shall serve as the primary contact between the Board and WSBA. The Executive Director shall allocate additional staff time to

support each Board in carrying out its duties and functions based on the projected workload for the Board and overall WSBA capacity.

4.2 Staff Liaison Responsibilities and Duties

The WSBA Staff Liaison will work with the Board and make available other WSBA resources as needed and available given WSBA's overall capacity.

The Staff Liaison is not a member of the Board. The Staff Liaison will not vote on matters before a Board that requires Board approval. The presence or absence of the Staff Liaison at any meeting does not affect the quorum for a meeting.

Although a Staff Liaison represents WSBA to the Board it is not the responsibility of the Staff Liaison to direct how the Board proceeds.

4.3 Staff Liaison and Support Personnel are WSBA Employees

Staff Liaisons supporting a Board are WSBA employees and will be hired and have their job performance evaluated per the WSBA Employee Handbook and other WSBA personnel policies.

When evaluating the performance of WSBA staff, the Executive Director, through their representative, should solicit feedback from each Board regarding the performance of the Staff Liaison and any supporting staff working with that Board.

The Board is not involved in the hiring of WSBA staff. However, with any employee whose primary or exclusive role is to support the duties and functions of a Board, WSBA should seek and may receive input from the Board as to skills and experience required for the role.

4.4 Board or Committee Membership

Each Board or Committee will add members to the Board and Committee per the Court rule or order that authorized and regulates the Board or Committee.

4.5 Board of Governors Liaison

The WSBA President may appoint a liaison between the Board of Governors and a Board.

The Board of Governor Liaison is not a member of the Board. They will not vote on matters before a Board that require Board approval. The presence or absence of the Board of Governors Liaison does not affect the quorum for a meeting.

4.6 Internal Structure of a Board

Unless otherwise defined by the court order or rule which authorizes and regulates a Board, the internal structure, such as the creation of subcommittees and appointment of members to such subcommittees, designating a chair or sub-chairs, and other decisions about how the Board conducts its duties and functions, is the sole province of each Board.

5.0 Oversight and Compliance Monitoring

Consistent with GR 12.3, WSBA shall oversee and monitor the compliance of Court Boards with the court rules and orders which authorize and regulate it. This includes GR 12.4 and First Amendment limitations relating to use of compelled license fees.

5.1 Reporting to the Court and WSBA

Boards shall submit an annual report to the Court and submit a copy of the report to the Executive Director and the Board of Governors. Boards shall submit other reports as stated in the court rules and orders authorizing them.

If the court rule or order which authorizes or regulates each Board is silent on the structure of an annual report the Board shall decide the format of the report.

5.2 Resolving Compliance Issues

5.2.1 Good Faith Standard—First Attempt to Resolve

If the Staff Liaison has a good faith belief that a Board is not complying with the court rules or orders which authorize and regulate the Board, the Staff Liaison shall first attempt to resolve the matter with the Board.

5.2.2 Escalation to Executive Director

If resolution fails and/or if the Staff Liaison is unable to address the matter directly, the Staff Liaison shall report any perceived non-compliance issue to the WSBA Executive Director who should attempt to work directly with the Board to resolve the issue.

5.2.3 Escalation to the Court

If these parties cannot resolve the matter, it may be presented to the Court for resolution.

6.0 Budget and Expenditures

6.1 Annual WSBA Budget Process

The Staff Liaison works collaboratively with the Board, and the Executive Director or their designee, to develop a budget that will allow the Board to fulfill its duties and functions, consistent with the rules and orders that authorize and regulate the Board.

The Board's budget will be submitted for approval to the Board of Governors as part of WSBA's overall budget.

WSBA and the Board of Governors cannot pass a budget for a Board without an opportunity for the Board to provide input to the WSBA and Board of Governors.

6.2 Funding Outside the Annual Budget Process

A Board may request additional funding outside of the budget cycle.

Such requests should be submitted to the Executive Director and will be considered by the Executive Director, the Budget & Audit Committee, or Board of Governors as authorized by WSBA Fiscal Policies & Procedures.

6.3 Funding a Board Duties and Functions as Described by GR 12.3

All reasonable and necessary Board duties and functions as defined by each Board's court order or rule must remain funded at a level that ensures the duties and functions can be met. The Boards acknowledge that WSBA has the authority to establish the budget for the WSBA and the Boards. The WSBA acknowledges that this authority cannot be used to interfere with a Board's independence as defined in section 3.0.

6.4 Board Fundraising

A Board may seek additional funding, above and beyond the funding which WSBA provides, including grants for a particular duty or function from a government, private, or public sector entity.

If a Board raises such funds, then WSBA shall not reduce the budget of the Board because of the funds raised, unless it is for the same work.

As a Board is not a legal entity entitled to have and manage a bank account, the Board will need to seek the approval of WSBA, the Washington State Bar Foundation (WSBF), or with the approval of WSBA or the Court another appropriate entity to accept and manage such funds on behalf of the Board.

7.0 Other Actions

Consistent with GR 12.3, WSBA may engage in other activities that are necessary and proper to enable Boards to carry out their duties and functions consistent with the overall capacity of WSBA. This might include access to other WSBA resources and teams, including communication channels, design and publication services, website presence, financial analysis, WSBA technology, and continuing legal education.

8.0 Immunity & Indemnification

8.1 Immunity

If a court order or rule that authorizes and regulates a Board extends immunity to the Board and the members serving on a Board, WSBA shall cooperate with the Board and the Court to provide and defend such immunity.

8.2 Indemnification from Lawsuits

WSBA Bylaw Article XIV indemnification applies to members of court created boards described by this policy to the same extent as volunteers appointed by the WSBA.

WASHINGTON STATE
BAR ASSOCIATION
Office of the Executive Director
Terra Nevitt, Executive Director

TO: Task Force Team Administering Xenial Involvement with Court Appointed Boards

FROM: Terra Nevitt, WSBA Executive Director

DATE: February 26, 2021

RE: **WSBA's Administration of Supreme Court Entities Background and Authority**

Through Washington State General Rule 12.3, the Supreme Court delegates to WSBA "the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rule sand orders that authorize and regulate them, paying expenses reasonable and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions."

The WSBA currently administers 6 such entities, described below. Over the years, challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of "administration", conflicting policy objectives, and decision-making authority. One highly publicized example of some of these challenges was documented by the ABA Journal in 2015.

The ***Access to Justice Board*** was established by court order April 13, 1994, and was most recently reauthorized on March 4, 2016. That order charges WSBA with the Board's administration, including funding and staffing. It provides the Board of Governors with the responsibility of nominating members of the ATJ Board, which are appointed by the Supreme Court. The Order provides that the ATJ Board shall designate its chair and authorizes the ATJ Board to adopt its own operational rules pursuant to the enumerated powers and duties. The order requires the ATJ Board to file an annual report to the Supreme Court and the Board of Governors.

The ***Disciplinary Board*** first appears in the court rules in 1968 when the board is created and direct responsibility for disciplinary adjudication is transferred away from the Board of Governors. Currently, it is governed by rule 2.3 of the Rules for Enforcement of Lawyer Conduct (ELC), which outlines the Board's composition, qualifications and some operations. Members are appointed by the Court "upon the recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel." The Court also designates the Chair and Vice Chair, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel. Other ELC indicate the functions of the Board. ELC 2.2(a)(1) directs the Board of Governors, through the Executive Director, to provide "administrative and managerial support" to the Disciplinary Board to perform its functions as specified by the rules. ELC 2.2(b) prohibits the Board of Governors and the Executive Director from reviewing Disciplinary Board decisions or recommendations in specific cases (among other limitations).

The ***Limited License Legal Technician Board*** was established through the adoption of rule 28 of the Admission and Practice Rules (APR) by court order on June 15, 2012. A second order was issued by the Court on July 11, 2012 ordering that the WSBA administer the operations of the LLLT Board, including providing "staff necessary to implement and support the operation of the APR 28 and the Limited License Legal Technician Board." APR 28

provides that members of the LLLT Board are appointed by the Supreme Court. It charges the LLLT Board with recommending new practice areas for LLLTs, working with the Bar and other entities on LLLT examinations, approving education and experience requirements, establishing committees, establishing educational criteria, and "such other activities and functions as are expressly provided for in [the] rule." APR 28 also charges the LLLT Board with proposing additional rules, regulations and amendments to the rule to the Court. WSBA is charged with providing "reasonably necessary administrative support for the LLLT Board."

The ***Limited Practice Board*** was established by APR 12. The rule outlines the duties and powers of the Limited Practice Board, including creating and grading Limited Practice Officer (LPO) examinations, approving forms for use by LPOs, as well as the board's involvement in the investigation, hearing, and appeal procedures for handling grievances against LPOs. Members are appointed by the Supreme Court, as is the Board's Chairperson. APR 12 provides that "The administrative support to the LP Board shall be provided by the Bar."

The ***Mandatory Continuing Legal Education Board*** was established by APR 11. Its members and chair are appointed by the Supreme Court. Among other things, APR 11 tasks the MCLE Board with reviewing and suggesting amendments to APR 11, adopting policies, approving MCLE activities, reviewing determinations or decisions made by WSBA regarding approval of activities, determining MCLE fees to defray the reasonably necessary costs of administering the MCLE rules, and waiving or modifying members' compliance requirements. The MCLE Board also conducts hearings on member hardship petitions. The rule also provides that WSBA "shall provide administrative support to the MCLE Board." Suggested amendments to APR 11 as well as policies to provide guidance in its administration are subject to review by the Board of Governors and approval by the Supreme Court.

The ***Practice of Law Board*** was established by the Washington Supreme Court with the adoption of General Rule 25, effective September 1, 2002. Under the current version of the rule, the Supreme Court appoints its members "after considering nominations from the Practice of Law Board and the Board of Governors." The rule outlines the responsibilities of the Board, which include recommending to the Court "new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law as defined in GR 24." Such recommendations must be forwarded to the Board of Governors for consideration and comment at least 90 days before transmission to the Court. The rule also charges WSBA with funding, administering and staffing the Practice of Law Board consistent with GR 12.

WASHINGTON STATE BAR ASSOCIATION

IMPORTANT:
Please refer to the
BOG Action Item Guide
when completing this template.

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Jeanne Marie Clavere, Senior Professional Responsibility Counsel

DATE: March 19,2024

RE: Committee on Professional Ethics New Advisory Opinion – For Information Only

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Committee on Professional Ethics New Advisory Opinion 202401 – For Information Only

INFORMATION ONLY: New Advisory Opinion 202401 supplements Advisory Opinion 181 by addressing issues surrounding document retention in client files. The RPCs that are contained in this update are 1.6, 1.7, 1.15A,1.16(d).

Background

The CPE subcommittee on client file retention composed of Mark Fucile, Asel Neutze, Sara Ayoubi, Michele Carney (and previous CPE member Cinda Fernald) took on this project based on the number of calls that come to the WSBA on questions regarding client file retention. Advisory Opinion 181 provides guidance on issues surrounding client file retention but is incomplete in some areas. The subcommittee took on this assignment so that it could provide more guidance on what documents belong to the client and what documents should be retained in a file. This new opinion is not meant to replace Advisory Opinion 181 as it still contains good information but is meant to supplement and provide updated guidance.

The importance and value of this opinion will be to provide a framework for the lawyer to review their retention policies of documents in a client file and provide more guidance about what documents must be provided to the client. The opinion will also assist with difficult questions regarding costs associated with client files and copies. Finally, the opinion will provide updated information as it relates to recent technology and transmission of client file data.

The Committee on Professional Ethics (CPE) approved this advisory opinion at their February 23, 2024, meeting. We believe that this opinion will be a very helpful resource to attorneys and their staff in issues related to their client file policies.

Community Input

The subcommittee reached out to M. Craig Bray, Managing Disciplinary Counsel – Intake of the Office of Disciplinary Counsel, WSBA and Sandra Schilling, Professional Responsibility Counsel, Advancement Department, WSBA as stakeholders. Mr. Bray receives questions in his office regarding what documents belong to the client and the Professional Responsibility Counsels have questions come in the WSBA phone line for lawyer ethics questions on client file retention. Both Mr. Bray and Ms. Schilling provided detailed information that was helpful in the subcommittee's work.

The subcommittee also did an extensive review of other state advisory opinions on client file retention and have incorporated information into the opinion.

Information for Fiscal Analysis

Provide information to help inform the Fiscal Analysis.

- *Is a similar project or program already in the WSBA budget?*
- *If implemented, what is your estimated budget for the project?*
- *If implemented, will this project require staff time?*
- *Is this a new technology? Have other similar technologies been explored?*
- *If implemented, will this project save the WSBA money?*
- *Would this project bring in any revenue?*

Information for Equity Analysis

Provide information to help inform the Equity Analysis:

- *What factors (institutions, existing policies, social conditions, etc.) associated with this issue might be affecting underrepresented or marginalized individuals or communities differently?*
- *What are some of the root causes of these inequities?*
- *Are there any compounding or intersecting dynamics of multiple social identities that are relevant (e.g., inequities for communities who are from LGBTQ communities of color)?*
- *Based on the data presented, how might the proposed action benefit or harm individuals or communities who are underrepresented or have been historically marginalized?*
- *What information is missing that needs to be gathered?*
- *How will the proposed action increase or decrease equity? Are there any potential unintended consequences?*
- *What strategies or ideas might make the proposed process and outcome more equitable and minimize harm to underrepresented or historically marginalized individuals and communities?*
- *How will the proposed action or process be implemented in a way that has ongoing accountability to communities most impacted? How will you know if you have been successful?*

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

Attachments

WSBA Ethics Advisory Opinion 202401

Advisory Opinion: 202401

Year Issued: 2024

RPC: 1.6, 1.7, 1.15A,1.16(d)

Issue: What documents does RPC 1.16(d) require a lawyer to surrender upon termination of representation?

SUMMARY

This opinion supplements Advisory Opinion 181 by addressing several categories of documents commonly found in a client file. Advisory Opinion 181 established a presumption that a client has full access to their file with limited exceptions. The format of a document – whether paper or digital, or whether handwritten, typed, texted, or voice recording – is not material to the issue whether it must be included in a file transfer. Advisory Opinion 181 directs that "the client's interests must be the lawyer's foremost concern," which means the proper focus is on the content of the document and the relevant question is whether the document might foreseeably have value in protecting the client's interests in the instant matter or a future one. When in doubt, the lawyer should provide all documents that may be useful to the client in benefiting fully from the services provided by the lawyer.

DISCUSSION

When a lawyer or client terminates representation, Rule 1.16(d) of the Washington Rules of Professional Conduct (RPC) requires the lawyer to take reasonable steps to protect the client's interests, including but not limited to, surrendering papers "to which the client is entitled." Neither that rule nor its comments elaborate on the meaning of that phrase or define the commonly used term "file."[1] Comment [9] adds that "a lawyer must take all reasonable steps to mitigate the consequences to the client."

Washington Advisory Opinion 181 (Asserting Possessory Lien Rights and Responding to Former Client's Request for Files),[2] issued in 1987 and amended in 2009, discusses the documents that a lawyer must deliver in response to a former client's request for the file. It states: "Subject to limited exceptions, this Rule obligates the lawyer to deliver the file to [sic] client." In discussing exceptions, the opinion notes that a protective order or confidentiality obligation might take precedence over the client's demand and then applies the following standard: *whether the lawyer can reasonably conclude that the withholding of particular documents would not prejudice the client*. Advisory Opinion 181 notes that "the client's interests must be the lawyer's foremost concern," and it offers the following examples of documents that might reasonably be withheld based on lack of prejudice: "drafts of papers, duplicate copies, photocopies of research material, and lawyers' personal notes containing subjective impressions such as comments about identifiable parties." This opinion provides guidance regarding the application of Advisory Opinion 181's standard to a broader range of documents typically associated with a lawyer's representation of a client.[3]

A. Documents to Which the Client Is Entitled

Clients expect to receive and lawyers should transfer at least the following types of documents: documents provided by the client, communications between the lawyer and parties outside the lawyer's firm[4], documents filed with a tribunal or agency (or completed but not yet filed), court orders and records, transactional documents (executed or ready for execution), corporate records, legal opinions, documents received from third parties (including but not limited to discovery[5] and due diligence), and third-party reports or assessments. Such documents are clearly necessary to protect the client's interests. The client is entitled to receive these documents except in certain limited instances when, as recognized in Advisory Opinion 181, the lawyer owes a superseding duty to a third-party – for example, under a court order or a confidentiality agreement. See also Washington Advisory Opinion 2211 (2011).

B. Documents to Which the Client Is Typically Entitled

Advisory Opinion 181 identified drafts, copies of research material, and certain types of notes as documents that might be withheld, but only if the lawyer reasonably concludes that withholding the documents will not prejudice the client. In evaluating whether a document may be withheld, the lawyer should – consistent with the guidance in that opinion that the client's interests must be the lawyer's "foremost concern" – ensure that the client receives all the material that would be useful in benefiting fully from the services the lawyer was engaged to provide.

Drafts. Draft documents circulated outside the lawyer's firm will be transferred as part of the lawyer's external communications. Internal drafts of documents not yet finalized will presumably have value to the client or successor counsel in minimizing both delay and cost in continued representation. With regard to internal drafts of completed documents, this opinion does not address the lawyer's ordinary practice of preserving or discarding such documents during the course of representation.[6] However, if the lawyer has retained such drafts in the file that has been requested, the client would generally be entitled to them. CBA Ethics Opinion 104 Surrender of File to the Client Upon Termination of Representation (Colorado 1999; revised 2018) at 8, FN 22 and FN 23; Alaska Bar Ass'n Ethics Op. 2003-3 (2003) at 3; Arizona RPC 1.16 Comment [9].

Copies of Research Material. Advisory Opinion 181 identified photocopies of research material in the client file as items that a lawyer may withhold if the lawyer reasonably concludes there is no prejudice to the client. Ordinarily, however, protecting the client's interests will entail transferring the research material that has been maintained in the client file so to avoid duplication of effort or expense and provide the client the full benefit of the lawyer's legal services. An exception is noted below in the case of research that discloses confidential information of another client.

Lawyer's Notes. A document is not excepted from transfer if it is written in the lawyer's handwriting or if it is typed but not shared with others. The client's entitlement to such a document depends on its contents. Advisory Opinion 181 identified notes containing subjective impressions, such as comments about identifiable persons, as those that might reasonably be withheld. In contrast, notes containing factual information should be included in the file transfer to ensure the client receives the full benefit of the lawyer's work. If notes contain both subjective impressions and factual information, and if the lawyer wishes to withhold the subjective impressions, the notes should be redacted or summarized to protect both the client's and the lawyer's interests. CBA Ethics Opinion 104 Surrender of File to the Client Upon Termination of Representation (Colorado 1999, revised 2018) at 8; see also Arizona RPC 1.16 Comment [9]; Iowa Supreme Court Attorney

Disciplinary Board v. Gottschalk, 729 N.W.2d 812 (2007) at 820. Finally, some notes may fall into a third category – notes made in the course of brainstorming ideas or planning tasks. Such notes, having only temporary value, need not be included in the file transfer if their value has expired. See Section E below.

Internal Email and Memos. Internal emails and memos created while performing substantive or billable work are not excepted from transfer by virtue of the fact that they have not been circulated outside the lawyer's firm. (In contrast, the client is not entitled to internal administrative documents, as discussed below.) The lawyer's evaluation of whether internal emails or memos might have value to the client must focus on their content. Generally speaking, internal documents created while working to accomplish the client's objective should be transferred to ensure the client receives the full benefit of the services agreed upon with the lawyer. Examples of such documents include, but are not limited to, summaries of conversations and consultations, deposition summaries, reports on due diligence for transactions, and memoranda regarding research or analysis of legal issues. On the other hand, emails about scheduling or filing logistics would ordinarily be considered inconsequential. See Section E below.

C. Documents to Which the Client Is Not Entitled

For convenience, a lawyer may file documents under the client's matter code even though the documents were not generated while performing substantive or billable work on the client's matter. Examples of such documents might include: reports from the lawyer's conflicts database, which may identify other clients and parties involved in the representation of other clients; intake forms and approvals; pre-engagement assessments of the client; documents regarding staffing or personnel matters; time and expense records; and draft invoices created prior to exercise of the lawyer's judgment about billing for services provided. These types of documents are generated as a matter of course in the business of running a law practice, not to accomplish the client's objective in the representation. The client is not entitled to such administrative or practice management documents. CBA Ethics Opinion 104 Surrender of File to the Client Upon Termination of Representation (Colorado 1999; revised 2018) at 7-8; Oregon Formal Op. 2017-192 (2017) at 4.

A lawyer may also, for convenience of reference, place in a client's file a copy of a memo that was prepared for another client or other material containing information relating to the representation of other clients. In this circumstance RPC 1.6 precludes the lawyer from including such material in the file transfer. Alaska Bar Ass'n Ethics Op. 2003-3 (2003) at 2; Oregon Formal Op. 2017-192 (2017) at 3-4.

From time to time a lawyer may seek an ethics consultation, such as with a colleague in the same firm, with the WSBA, or by hiring outside counsel. The purpose of such a consultation is to comply with the Rules of Professional Conduct, not to advance the client's interests. The client is not entitled to documents reflecting such a consultation. ABA Formal Op. 471 (2015) at 6; Oregon Formal Op. 2017-192 (2017) at 3-4.[7]

D. Issues that May Arise in Implementation of File Transfers

Charges. It is not uncommon for disputes to arise between lawyers and their former clients regarding charges involved in surrendering or transferring a file. Advisory Opinion 181 states as

its summary conclusion: "in the absence of an express agreement to the contrary . . . if the lawyer wishes to retain copies [of the file] for the lawyer's use, the copies must be made at the lawyer's expense." Although the lawyer may have previously given the client copies of important documents, upon the client's first request for surrender or transfer of the file, the lawyer should provide all documents to which the client is entitled. The lawyer may charge for the first copy if an express agreement so provides and charge is reasonable. If the client subsequently requests additional copies of the file, the lawyer may require the client to pay a reasonable charge for each duplicate copy.[8] RPC 1.5 (b) states: *The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client. Upon the request of the client in any matter, the lawyer shall communicate to the client in writing the basis or rate of the fee* The best practice for the lawyer would be to outline the expenses for extra copies of the file at the beginning of representation in an engagement agreement. The likelihood of a dispute regarding charges associated with a file transfer might be reduced by addressing this scenario in the engagement agreement.

Editable Format. If a client requests that documents be provided in an accessible and editable electronic format, the lawyer must provide such documents as already exist in that format. The client is entitled to receive the file in the format in which it is maintained. Providing documents in an editable format is a "reasonably practicable" step the lawyer is obligated to take to protect the client's interests. RPC 1.16(d); CBA Ethics Op. 104, Surrender of File to the Client Upon Termination of Representation (Colorado 1999; revised 2018) at 5.

Surrendering a File to Former Joint Clients. When a lawyer represents multiple clients in a single engagement, the engagement agreement will typically reflect the clients' express agreement to share all information. RPC 1.7 Comment [31]. If such a joint representation terminates, each client is entitled to receive the entire file. In situations where there is a different express agreement among the clients, or where the lawyer has commingled documents from the joint representation with documents from separate representation of one of the joint clients, the lawyer will need to segregate the portions of the file to which one or more of the multiple clients is not entitled. New York State Bar Ass'n Opinion 1249 (2023).

Safeguarding the File During Transfer. As required by RPC 1.6(c) (Confidentiality) and RPC 1.15A (Safeguarding Property), the lawyer should transfer the file in a secure manner. When transmitting a physical file, the lawyer should use a delivery method that deposits the package in a safe location and permits the package to be tracked. A digital file should be secured through use of appropriate technology, such as by encryption of mobile media or requirement of credentials to access a file-sharing service.

E. Additional Observations

Neither RPC 1.16(d) nor this opinion requires a lawyer to review every document in the file to apply this standard. This opinion explains how a lawyer should approach an evaluation of individual documents or categories of documents if the lawyer wishes to transfer only the

minimum number of documents required by RPC 1.16(d). For other reasons, such as maintaining positive relationships with former clients, avoiding disputes, or improving law firm efficiency, a lawyer may prefer to limit the scope of the file review and decide to transfer more documents than the Rule minimally requires.

Similarly, neither RPC 1.16(d) nor this opinion requires a lawyer to retain documents that the lawyer would not retain if the lawyer were continuing representation of the client in the matter. In other words, during the representation the lawyer may prune the file of documents that have outlived their temporary value if the client's interests do not require preservation. Alaska Bar Ass'n Ethics Op. 2003-3 at FN 3 ("[T]his opinion does not create any new duty to retain any particular document"); Arizona Op. 15-2 ("The lawyer may restrict 'the file' to documents that actually assist the lawyer in competently and diligently representing the client"); Oregon Formal Op. 2017-192 (2017) at 2 and FN 1 (a client file is "the sum total of all documents . . . that the lawyer maintained in the exercise of professional judgment for use in representing the client"); ABA Formal Op. 471 at 5 ("the lawyer must surrender . . . correspondence issued or received . . . on relevant issues, including email and other electronic correspondence that has been retained according to the firm's document retention policy").

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[1] The scope of this opinion is limited to interpretation of the Washington Rules of Professional Conduct. Legal issues regarding ownership of property are outside its scope.

[2] For a discussion of possessory lien rights, refer to Advisory Opinion 181.

[3] Washington Advisory Op. 1185 (1988) applied a similar standard in the related context of file retention. It stated that "a lawyer has an obligation to determine whether anything in [sic] file may have a reasonably foreseeable benefit to the client in the future" and, if so, to retain it or return it to the client.

[4] Washington Advisory Op. 181 treats documents stored electronically in the same way as paper documents. Accordingly, the written communications subject to transfer include email, voicemail recordings, and text messages as well as formal letters, if they meet the standard set forth in this opinion. Oregon Formal Op. 2017-192 (2017) at 3. See also ABA Formal Op. 471 at 5 (deliver "correspondence issued or received . . . on relevant issues, including email *and other electronic correspondence* . . . ") (emphasis added).

[5] This opinion does not address a criminal defendant's request for discovery, which is governed by the state rules of criminal procedure and case law. See, e.g., State v. Padgett, 4 Wn. App. 2d 851, 424 P.3d 1235 (2018); State v. Murry, 24 Wn. App. 2d 940, 523 P.3d 794 (2022). This opinion addresses documents that would normally be provided in routine transitions between counsel and a client. It does not purport to establish standards for discovery in criminal or civil litigation cases.

[6] This opinion does not address documents subject to a litigation hold.

[7] This opinion does not address discovery in litigation of documents relating to an ethics consultation. See VersusLaw, Inc. v. Stoel Rives, LLP, 127 Wn. App. 309, 111 P.3d 866 (2005).

[8] Courts in some narrow circumstances involving clients being held in custody at facilities that prohibit electronic devices have sometimes required that electronic file materials be provided to the clients concerned in paper form even if the clients were given electronic copies earlier. We do not suggest that this is a general standard outside limited circumstances. *See State v. Wallmuller*, No. 37347-9-III (Wash. Ct. App. May. 26, 2020), *Washington State Advisory Opinion 2117 and prior Footnote 5*. Note GR 14.1 (a) - "*Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports. Unpublished opinions of the Court of Appeals have no precedential value and are not binding on any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as nonbinding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate*."

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Paris A. Eriksen, WSBA Volunteer Engagement Advisor on behalf of the WSBA ABA Delegates

RE: ABA Annual House of Delegates Midyear Meeting

DATE: April 11, 2024

Information: Review of Issues on the Floor of the ABA House of Delegates Meeting

Please find the attached Report on the the ABA House of Delegates Midyear Meeting held on January 31-February 5, 2024 in Louisville, Kentucky.

The 2023-2024 WSBA Delegation is as follows: Emily Ann Albrecht, Lisa Dickinson, John Felleisen, Rajeev Majumdar, Patrick Palace, Amit Ranade, Kyle Sciuchetti and Kinnon Williams as alternate.

MEMORANDUM

TO: Members of the House of Delegates

FROM: Select Committee of the ABA House of Delegates

SUBJECT: 2024 Midyear Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: February 20, 2024

REPORT ON THE ABA MIDYEAR MEETING

The 85th Midyear Meeting of the American Bar Association ("ABA") was held January 31 - February 5, 2024. A variety of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for one day.

The Nominating Committee hosted a Candidates Forum on Sunday, February 4, 2024. The following candidates seeking nomination at the 2025 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association, followed by a question/answer session: Barbara J. Howard of Ohio, candidate for President-Elect for the 2025-2026 term, and Andrew M. Schpak of Oregon, candidate for Treasurer-Elect for the 2025-2026 term.

HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the "House") met on Monday, February 5, 2024. Steve Buttleman, the bugler for the Kentucky Derby, welcomed the delegates with the iconic "Call to the Post." The Marine Corps Junior Reserve Officers Training Corps from Fern Creek High School presented the colors. The invocation for the House was delivered by Charles ("Buzz") E. English, Jr., of Kentucky. Kentucky Governor Andy Beshear provided a video welcome to House members.

The Chair of the House Committee on Credentials and Admissions, Karol Corbin Walker of New Jersey, welcomed the new members of the House and moved that the signed roster be approved as the permanent roster for this meeting of the House. The motion was **approved**.

Laura V. Farber of California, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House. She stated that in an effort to conserve resources, all supplemental materials for the House were sent electronically and posted on the House's webpage. She moved to adopt the final calendar and approve the list of individuals who sought privileges of the floor. Both motions were **approved.** Ms. Farber noted that the deadline for submission of Resolutions with Reports for the 2024 Annual Meeting is Tuesday, May 7, 2024, while the deadline for Informational Reports is Friday, June 7, 2024. She also referred to the consent calendar, noting that the deadline

for removing an item from the consent calendar was February 3, 2024, and that no resolutions were removed from the consent calendar. Later in the day, Ms. Farber moved the items on the consent calendar. The motion was **approved**.

Secretary Marvin S.C. Dang of Hawaii moved that the proposed Summary of Action for the House for the 2023 Annual Meeting be adopted as the official record of the House. The motion was **approved**. Secretary Dang also referred the delegates to Report 177, which summarizes actions taken by the Board of Governors since the 2023 Annual Meeting, and Report 177A, which reports that the Board of Governors considered and recommended adoption of Resolutions 604 and 605.

Secretary Dang recognized members of the House who died since the last meeting of the House, and they were remembered during a moment of silence. In addition, Harry Truman Moore of Arkansas spoke about former ABA President Phillip S. Anderson, Jr., who passed away in August 2023.

In the afternoon, Louisville Mayor Craig Greenberg provided a video greeting to the House.

For more details of the House meeting, see the following two-part report of the House session. The first part of the report provides a synopsis of the speeches and reports made to the House. The second part provides a summary of the action on the resolutions presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Statement by the Chair of the House of Delegates

Palmer Gene Vance, II of Kentucky, Chair of the House of Delegates, welcomed the delegates to the House and thanked the ABA Communications and Media Relations Division for informing ABA members, the legal community, and the general public about developments in the House by providing updates and reporting on the proceedings of the House via X, using the handle @ABAesq. In addition, the House of Delegates posts on X using the handle @ABAhod. Chair Vance extended a special welcome to new members of the House and recognized those delegates who have served the House for 25 years or longer. Chair Vance also recognized members of House committees and ABA staff members for their significant contributions to the work of the House.

Chair Vance acknowledged that the Midyear Meeting was being held on the ancestral lands of numerous Tribal nations, including the Eastern Band of Cherokee Indians, the Osage Nation, and the Shawnee people, all of whom served as stewards of the region for generations.

Statement by the ABA President

ABA President Mary L. Smith of Illinois began her remarks recognizing that the ABA was created 146 years ago, when representatives from twenty states and the District

of Columbia gathered to create an organization that would advance the science of jurisprudence and promote the administration of justice and the uniformity of legislation throughout the country. She said that just as those lawyers met the test of the moment, members of our association must now consider if we are meeting the test of the moment.

President Smith urged the delegates to consider the profession that new law graduates are entering and how the ABA can meet their current and future needs. She said she has spoken with lawyers throughout the county, including those who assert that the ABA must be synonymous with lawyers' practice and must serve all members, including the vast majority who do not attend meetings in person.

President Smith said that a major focus of the year has been the creation of a strategic plan, and she recognized those leading the effort. She said, "We need to chart the way forward and meet this moment." President Smith recognized that the growth in remote work, increased stress on young lawyers, and the impact of artificial intelligence are all factors that will affect the future of legal practice. She said the ABA is in a unique position to help lawyers become better lawyers, and she asserted that we must focus on helping today's young lawyers, who grew up with technology, continue to develop as lawyers. To do that, the ABA needs to have technology to meet the moment.

President Smith also addressed current challenges to our country, observing that "our very democracy is in peril." She said our system requires all of us, especially lawyers, to put the constitution above all else. President Smith said, "The one truly differentiating thing that the ABA does best is to mobilize the nation's lawyers, law students, and law schools across every state from the ground up to defend democracy, the sanctity and security of elections, and the rule of law." She said that the ABA Task Force for American Democracy was created to work with coalitions at the state level to stand up for free elections and to protect the rule of law and democracy.

President Smith challenged delegates to do their part to recruit and retain ABA members in order to secure the future of the ABA and to help the next generation. She said it is up to us to meet the moment to uphold the rule of law, pursue justice, and dedicate ourselves to being defenders of democracy.

Remarks by the President of the Conference of Chief Justices

The Honorable Anna Blackburne-Rigsby, Chief Judge of the District of Columbia Court of Appeals, spoke about the state of the nation's state courts. She said that we are in unique and important times, and that we have a profound responsibility to preserve the rule of law in our democracy. She said that our courts address both major policy issues and everyday issues such as mental health, substance abuse, violence, and housing challenges.

Judge Blackburne-Rigsby said that for years, the Conference of Chief Justices ("CCJ") has surveyed people about their perceptions of the courts. They found that while courts remain the most trusted branch of government, that trust is declining. She noted that in Fall 2023, the CCJ engaged a public opinion research firm to conduct focus groups

with court users from across the country. The interviews revealed that many believe there are two court systems: one for the rich and powerful and one for everyone else. The interviews also indicated that communities of color believe there are two justice systems based on race. Judge Blackburne-Rigsby said, “We must focus on restoring and strengthening faith that when we say equal justice for all, we truly mean those words, and that the public perceives that we are actually turning those words into actions.”

Judge Blackburne-Rigsby said that the focus groups also had some positive feedback. Those interviewed “identified great interest in how our courts and our legal system help to address societal issues like mental health, substance abuse, violence, crime, and housing issues.” She said she hopes that the messages from the focus groups will help the courts tell a more relatable story about the important work they do every day.

Judge Blackburne-Rigsby highlighted several tools courts can use with the communities they serve. First, the CCJ launched a racial justice organizational assessment tool for state courts that offers guidance and best practices. Second, the CCJ developed Court Opportunity Recruitment for All (“CORA”), an online tool law students can use to identify internships, externships, and clerkships. Third, the CCJ created the Committee on Legal Education and Admissions Reform (“CLEAR”) to examine the state of legal education and bar admissions in the United States, as well as the decline in the number of attorneys who dedicate their careers to public interest and public sector practice. CLEAR will also consider the challenges presented by legal deserts, especially in rural and underserved communities, where few attorneys are available.

Finally, Judge Blackburne-Rigsby said the CCJ is looking at the impact of artificial intelligence. The CCJ created an interdisciplinary rapid response team to examine the potential impact, opportunities, and pitfalls of artificial intelligence in our state courts.

Statement by the ABA Treasurer

ABA Treasurer Frank (“Fritz”) H. Langrock of Vermont reported on the finances of the association. He said that our recent audit was successful, and he recognized that the ABA’s 2020 decision to eliminate its internal audit department had resulted in significant cost savings. The Standing Committee on Audit continues to provide oversight.

Treasurer Langrock said that grant revenue and activity is still significantly higher than it was two years ago, so the long-term trend is very good. With respect to general operations revenue, our non-dues revenue is trending downward, especially with respect to the ABA Advantage Program. The Board of Governors has created a non-dues revenue committee to address that.

Expenses are down due to several factors, but our consolidated operating deficit is nearly $7 million dollars, which is $2 million higher than the prior year. Langrock said that the ABA is actively working to reduce expenses, but a dues increase is necessary to address the deficit.

Treasurer Langrock said that our investments have performed well this year, and we have been able to use some of that investment income to support operations. The association has increased its net assets by $2.1 million through December. We have total net assets of $168.4 million, including $112.2 million in sections/divisions/forums.

Finally, Treasurer Langrock acknowledged the hard work of numerous ABA staff members, including the Chief Financial Officer, Bill Phelan.

Statement by the ABA Executive Director

In her first presentation to the House since being named Executive Director in 2023, Alpha M. Brady said that she is committed to listening, challenging, and creating. Specifically, she wants to listen to determine what current and potential members want from the ABA and what the profession and society need from us. She challenges the ABA staff to think creatively and work strategically to develop and implement solutions to those needs using sound, fact-based data and testing to ensure maximum success. Executive Director Brady said that she aims to foster an environment that develops programming and projects that successfully address the needs of our members, enhance member experiences, convert potential members to actual members, and retain members by continually adjusting to address the issues that impact the practice of law.

Executive Director Brady said she promotes using enhanced messaging that reflects a coherent and unified communications strategy that illustrates, clearly and boldly, what the ABA stands for. She said the association must also focus on providing better value and delivery of our products and services. She has bifurcated the membership and marketing departments to better focus on the member experience, using data from the business intelligence team.

Executive Director Brady said that another focus is the creation of a more effective and user-friendly website. Senior staff have engaged in transparent and strategic discussions about the current website, which is challenged by the fact that no single entity has ownership over the entire website. She is hiring a website project manager to audit the website, create a plan of action, and implement it. She wants members and visitors to find it easier to access and simpler to navigate. The products and information technology teams will work on this project.

Executive Director Brady said that one constant in her journey at the ABA has been her belief in what the ABA stands for and the work it does to address the professional growth of lawyers and feed the needs of the soul. We need to provide not just the best CLE, but also opportunities to give assistance to those in need, such as our work at the border for unaccompanied minors and responding to legal questions using the ABA Free Legal Answers program, which is aimed at low- and moderate-income families. She said the core values of the ABA have not changed, and we have a powerful and compelling story to tell. We strive to ensure that justice is not just a privilege for the few but a right for all, in part through the association’s support of pro bono and good works programs.

Executive Director Brady noted that she is the first African-American executive director of the ABA. She said she is filled with hope and determination as we embark on a new chapter in the ABA's history, and she thanked her family and friends for their support as she takes on this new role.

Report of the Nominating Committee

The Nominating Committee met on Sunday, February 4, 2024. Robert L. Rothman of Georgia, Chair of the Steering Committee of the Nominating Committee, reported on the following nominations for the terms indicated:

OFFICERS OF THE ASSOCIATION

President-Elect (2024-2025 Term)

Michelle M. Behnke of Wisconsin

Chair of the House of Delegates (2024-2026 Term)

Jonathan Cole of Tennessee

BOARD OF GOVERNORS FOR THE 2023-2026 TERM

District Members-at-Large

District 3: Thomas H. Prol of New Jersey
District 5: Thomas C. Grella of North Carolina
District 9: Sheena Hamilton of Missouri
District 14: Anna M. Romanskaya of California
District 15: Vincent Chang of New York
District 16: Cynthia E. Nance of Arkansas
District 17: Erik A. Christiansen of Utah

Section Members-at-Large

Antitrust Law: Paula C. Martucci of Arkansas
Government and Public Sector Lawyers Division: Gregory G. Booker of Minnesota
Judicial Division: Linda Strite Murnane of Ohio
Young Lawyer Member-at-Large: Abre' Conner of California
Labor and Employment Law: Gail Golman Holtzman of Florida

Goal III Members-at-Large

Minority Member-at-Large: Juan R. Thomas of Illinois

Remarks by ABA President-Elect Nominee

Michelle Behnke of Wisconsin expressed appreciation for her nomination and acknowledged the support she has received from her husband, her family, and her Wisconsin lawyer colleagues. She noted that she will become the second ABA president to hail from Wisconsin, following Carl Rix, who served in 1946-1947.

Ms. Behnke acknowledged that the ABA faces significant challenges, and she said we must let lawyers know how the ABA can assist them and ensure that the association has sufficient staff and funds to undertake its work. She said developing a robust strategic plan and committing to implement it will be key to the association's success. She thanked President Smith for appointing a strategic planning committee and inviting Ms. Behnke to serve on it.

Ms. Behnke said that she plans to make a concerted effort to connect with, and listen to, solo and small firm practitioners. She has been a solo practitioner for much of her legal career and has relied on the ABA's resources to assist her in her practice. She also plans to focus on diversity and fairness within the legal profession and within the legal system, recognizing that the recent supreme court decision concerning college admissions means we are operating under new rules and must "find new tools to intentionally create and sustain fair and inclusive environments." She acknowledged that finding new ways to ensure diversity, inclusion, fairness, and opportunity will not be easy, but she said that as lawyers, we are used to doing hard things.

II. RESOLUTIONS VOTED ON BY THE HOUSE OF DELEGATES

A brief summary of the action taken on resolutions brought before the House follows. To see the resolution with report, the final text of the adopted resolution and, where relevant, videos of the speakers, please click the resolution number in the brackets.

[600] The House **approved by consent** Resolution 600 from the Standing Committee on Specialization reaccrediting the DUI Defense Law program of the National College for DUI Defense, Inc., and the Child Welfare Law Specialist Certification program of the National Association of Counsel For Children as designated specialty certification programs for lawyers for an additional five-year term; and it extended the accreditation period of the Legal Liability Law program of the American Board of Professional Liability Attorneys of Atlanta, Georgia, as a designated specialty certification program for lawyers until the adjournment of the next meeting of the American Bar Association House of Delegates in August 2024.

[601] The House **approved by consent** Resolution 601 from the Standing Committee on Paralegals granting reapproval to 14 paralegal education programs, withdrawing the approval of one program at the request of the institution, and extending the term of approval of 45 programs.

[602] On behalf of the commission on the American Jury, Marvin S.C. Dang of Hawaii moved Resolution 602 amending various Principles in the *Principles for Juries and Jury Trials,* as outlined in the Resolution. Brooks R. Magratten of Rhode Island spoke in favor of the resolution. The resolution was **adopted.**

[603] On behalf of the Standing Committee on Gun Violence, Marvin S.C. Dang of Hawaii moved Resolution 603 urging Congress to pass the Disarm Hate Act or similar legislation that would amend 18 U.S.C. Sections 922(d) and (g) of the Gun Control Act of 1968; and the resolution urges federal, state, local, territorial, and tribal governments to pass legislation allowing individuals to petition courts to grant extreme risk protective orders. Margaret J. Finerty of New York and Monte E. Frank of Connecticut spoke in favor of the resolution. The resolution was **adopted.**

[604] On behalf of the Standing Committee on Public Education, Darcee S. Siegel of Florida moved Resolution 604 urging Congress to pass legislation to establish a President's Award for Civic Engagement (PACE) to reward and recognize students in grades 5 through 12 who display outstanding civic leadership and leadership in their communities; and the resolution urges the U.S. Department of Education to establish national criteria for this award. Pamila J. Brown of Maryland and Deborah Enix-Ross of New York spoke in favor of the resolution. The resolution was **adopted.**

[605] On behalf of the Commission on Immigration, Marvin S.C. Dang of Hawaii moved Resolution 605 urging Congress and the Administration to enact laws and adopt policies to protect Special Immigrant Juvenile Status (SIJS) youth, including youth of color, through the years-long adjudication process of the SIJS petition and SIJS-based adjustment of status application to lawful permanent residence. Michelle Jacobson of Illinois spoke in favor of the resolution. The resolution was **adopted.**

[300] On behalf of the Section of Legal Education and Admissions to the Bar, Antonio Garcia-Padilla of Puerto Rico moved Resolution 300 concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in the creation of Standard 208 (Academic Freedom and Freedom of Expression) dated February 2024 in the *ABA Standards and Rules of Procedure for Approval of Law Schools.* The resolution was **adopted.**

[301] The House **approved by consent** Resolution 301 from the Section of Legal Education and Admissions to the Bar concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in the creation of Standard 208 (Academic Freedom and Freedom of Expression) dated February 2024 in the *ABA Standards and Rules of Procedure for Approval of Law Schools.*

[302] The House **approved by consent** Resolution 302 from the Section of Legal Education and Admissions to the Bar concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2024 to Definition 15 (Probation); Standards 202 (Resources for Program), 311 (Academic Program and Academic Calendar), 313 (Degree Programs in Addition to J.D.), 502 (Educational Requirements), 509 (Required Disclosures), and 510 (Student

Complaints Implicating Compliance with the Standards); and Rules 2 (Council Responsibility and Authority), 9 (Notice of Accreditation Decision by Other Agency), 10 (Failure to Provide Information or Cooperate with the Gathering of Information), 13 (Actions on Determination of Noncompliance with a Standard), 15 (Sanctions for Noncompliance with a Standard), 16 (Sanctions for Failure to Cure Noncompliance with a Standard), 17 (Monitoring and Enforcing Compliance with Sanctions), 19 (Attendance at Council Meetings and Hearings), 20 (Hearings before the Council), 50 (Disclosure of Decision Letters), and 51 (Applications, Plans, Decisions and Recommendations Made Public) of the *ABA Standards and Rules of Procedure for Approval of Law Schools.*

[303] The House **approved by consent** Resolution 303 from the Section of Legal Education and Admissions to the Bar concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2024 to Definitions 1 (Additional Location), 3 (Branch Campus), and 18 (Separate Location); Standards 102 (Provisional Approval), 105 (Acquiescence for Substantive Change in Program or Structure), 106 (Separate Locations and Branch Campuses) and 306 (Distance Education); and Rules 19 (Attendance at Council Meetings and Hearings), 20 (Hearings before the Council), 24 (Application for Acquiescence in a Substantive Change), 25 (Substantive Changes Requiring a Reliable Plan), 29 (Teach-Out Plan), and 47 (Confidentiality and Accreditation Matters) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

[400] On behalf of the Virgin Islands Bar Association, Anthony M. Ciolli of the Virgin Islands withdrew Resolution 400 urging Congress to enact legislation to: (i) extend all civil rights laws applicable to public employees to all federal judicial branch employees; and (ii) confer comparable employment benefits provided to employees of the federal legislative and executive branches to all federal judicial branch employees. The resolution was **withdrawn.**

[401] On behalf of the Virgin Islands Bar Association, Jalicha Persad of the Virgin Islands moved revised Resolution 401 urging that the American Bar Association supports the principles that: (i) the supreme court or other court of last resort of the United States territories serves as the final arbiter of its respective territorial laws; and (ii) each territory's laws are not laws of the United States and that actions arising solely under such territory's laws do not alone establish federal-question jurisdiction. The resolution was **adopted as revised.**

[402] On behalf of the New York State Bar Association, Richard C. Lewis of New York moved Resolution 402 endorsing the Summary of Recommendations and Guidance from the *Report and Recommendations of the New York State Bar Association Task Force on Advancing Diversity* dated September 2023. Mary L. Smith of Illinois, Deborah Enix-Ross of New York, Wendy C. Shiba of California, and Robert M. Carlson of Montana spoke in favor of the resolution. The resolution was **adopted.**

[700] The House **approved by consent** Resolution 700 from the National Conference of Commissioners on Uniform State Laws approving the Uniform Consumer Debt Default Judgments Act promulgated by the National Conference of Commissioners on Uniform

State Laws in July 2023 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

[701] The House **approved by consent** Resolution 701 from the National Conference of Commissioners on Uniform State Laws approving the Uniform Special Deposits Act as promulgated by the National Conference of Commissioners on Uniform State Laws in July 2023 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

[702] The House **approved by consent** Resolution 702 from the National Conference of Commissioners on Uniform State Laws approving the Uniform Unlawful Restrictions in Land Records Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

[703] On behalf of the National Conference of Commissioners on Uniform State Laws, Lisa R. Jacobs of Pennsylvania moved Resolution 703 approving the Uniform Collaborative Law Rules and Uniform Collaborative Law Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2010, as appropriate Rules or an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. James J. Alfini of Illinois and Ana M. Sambold of California spoke in favor of the resolution. The resolution was **adopted.**

[500] On behalf of the Section of Dispute Resolution, David Allen Larson of Minnesota moved Resolution 500 urging lawyers and all interested parties to increase the informed and voluntary use of Early Dispute Resolution: party-directed, non-adjudicative approaches to resolve disputes in a time-efficient and cost-effective manner, including, but not limited to, direct negotiation, mediation, and ombuds. Felicia Harris Hoss of Texas and Ellie Vilendrer of California spoke in favor of the resolution. The resolution was **adopted.**

[501] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of Washington, D.C., moved Resolution 501 urging state, local, territorial, and tribal officials to adhere to the ABA Criminal Justice Standards for the Prosecution Function (4th ed. 2017), and to ensure that efforts to address alleged prosecutorial misconduct are governed by written standards that provide reasonable notice as to what conduct is proscribed or prohibited and afford due process before a fair and impartial tribunal. William Ring of Arizona spoke in favor of the resolution. The resolution was **adopted.**

[502] On behalf of the Tort Trial and Insurance Practice Section, Daina Bray of Connecticut moved revised Resolution 502 urging national governments, the U.S. Congress, and U.S. federal agencies, to: (i) promote the development and use of methods that aim to replace, reduce, and refine the use of animal models in research and testing; and (ii) remove barriers to, and create incentives for, the use of non-animal model and testing methods in regulatory test and federally sponsored research. Paul A. Locke of Maryland and Steven M. Richman of New Jersey spoke in favor of the resolution. The resolution was **adopted as revised.**

[503] On behalf of the International Law Section, Sara P. Sandford of Washington moved Resolution 503 urging the United States and other countries to take measures to address prevent, remedy, and punish human rights violations and prevent and punish genocide against the Rohingya. The resolution was **adopted.**

[504] On behalf of the Section of Civil Rights and Social Justice, Mark I. Schickman of California moved revised Resolution 504 urging Congress to enact legislation that amends the PROTECT Act to require the Department of Justice to appoint an officer to act as the national Tribal coordinator of the AMBER Alert communications network regarding Alaska Natives and American Indians reported by Tribes as missing, abducted, or imminently in danger; and the resolution urges federal, state, local, territorial, and tribal governments to ensure that their AMBER Alert systems also apply to Alaska Natives and American Indians above the age of 18 reported missing, abducted, or imminently in danger. Mary L. Smith of Illinois and Matthew Archer-Beck of Virginia spoke in favor of the resolution. The resolution was **adopted as revised.**

[505] On behalf of the Government and Public Sector Lawyers Division, Darcee S. Siegel of Florida moved Resolution 505 opposing all federal, state, local, territorial, and tribal legislation, regulations, ordinances, and policies that restrict the teaching and inclusion of studies as well access to and the use of instructional materials, books, or resources in schools or school libraries, on the experiences, roles, and contributions of any individual or group on the basis of their sex, gender, gender identity, race, ethnicity, national origin, sexual orientation, culture, religion, disability, or socioeconomic status. Thomas Hoff Prol of New Jersey, William Andrew Gowder, Jr., of South Carolina, Mark D. Agrast of Washington, D.C., and Wendy K. Mariner of Massachusetts spoke in favor of the resolution. The resolution was **adopted.**

[506] On behalf of the Section of Civil Rights and Social Justice, Juan Raudrick Thomas of Illinois moved Resolution 506 urging federal, state, local, territorial, and tribal jurisdictions to fully implement and timely report all deaths required to be reported by the Death in Custody Reporting Act and ensure that there is an independent investigation into the cause of any death that occurs in a correctional institution or in the custody of law enforcement; and the resolution urges the Centers for Disease Control and Prevention and the Department of Justice to include, on the U.S. Standard Death Certificate, a box to check when death occurred in a correctional institution or in the custody of law enforcement. Stephen A. Saltzburg of Washington, D.C., Denise K. Langford Morris of Michigan, Monte E. Frank of Connecticut, and Cynthia Swann of Maryland spoke in favor of the resolution. The resolution was **adopted.**

[507] On behalf of the Section of Civil Rights and Social Justice, Hilarie Bass of Florida moved revised Resolution 507 opposing federal, state, local, territorial, and tribal legislation, regulations, administrative interpretations, and litigation based thereon, that restrict the right of any healthcare provider or hospital that receives Medicare funding to provide patients with care, including abortion, to address emergency medical conditions; and the resolution opposes laws and interpretations that would place lawyers in the position of advising their healthcare provider clients to disregard human life or violate

either the Emergency Medical Treatment and Labor Act or state law. Patricia Lee Refo of Arizona, Robert M. Carlson of Montana, Kathleen J. Hopkins of Washington, Renée M. Landers of Massachusetts, and Victor M. Marquez of California spoke in favor of the resolution. The resolution was **adopted as revised.**

[508] On behalf of the Section of Civil Rights and Social Justice, Marvin S.C. Dang of Hawaii moved Resolution 508 urging all state, local, territorial, and tribal governing bodies, education officials, school boards, and school districts to establish and implement policies that recognize that all students, including transgender, gender nonconforming, and nonbinary students, have a reasonable and protected expectation of privacy when determining how and with whom to share information about their gender identity; and the resolution opposes parental notification requirements related to a student's gender identity and urges policymakers to promote and safeguard the rights of all students to learn in a safe environment. Nathan Bruemmer of Florida, Mary Kelly Persyn of California, and Paul March Smith of Washington, D.C., spoke in favor of the resolution. Mark H. Alcott spoke in opposition to the resolution. David M. Tenner of Colorado moved to amend the resolution. Mark I. Schickman of California, Mark D. Agrast of Washington, D.C., and Michaela Posner of California spoke in opposition to the amendment. The amendment was not approved. The resolution was **adopted.**

[509] On behalf of the Section of Civil Rights and Social Justice, Mark I. Schickman of California moved Resolution 509 opposing the use of spyware for the purposes of enabling and committing human rights abuses; the resolution urges a moratorium on, and urges federal, state, local, territorial, and tribal governments to enact laws to restrict, the sale, purchase, transfer, servicing, and use of "abusive commercial spyware"; the resolution urges the U.S. Department of Commerce to continue to add to the Entity List companies that furnish abusive commercial spyware; and the resolution urges platform providers to develop safeguards to prevent abusive commercial spyware attacks, develop protocols to detect abusive commercial spyware attacks, announce and correct system flaws, and implement policies to promptly notify the victims of abusive commercial spyware attacks. Richard L. Field of New Jersey spoke in favor of the resolution. The resolution was **adopted.**

[510] On behalf of the Section of Civil Rights and Social Justice, Matthew Archer-Beck of Virginia moved Resolution 510 urging ABA-approved law schools to consider Tribal Membership in holistic application review processes, acknowledging Tribal membership as a political status determined by Tribal Nations. Wendy C. Shiba of California and William Andrew Gowder, Jr., of South Carolina spoke in favor of the resolution. The resolution was **adopted.**

[511] On behalf of the Young Lawyers Division, Rene Morency of Missouri moved Resolution 511 urging all law schools to consider expanding their programs of legal education to include part-time law programs. Brandon Lee Wolff of Pennsylvania spoke in favor of the resolution. The resolution was **adopted.**

[512] On behalf of the Young Lawyers Division, Diana-Marie Laventure of New Jersey moved Resolution 512 urging all legal employers to continue to consider diversifying their

workforces by providing individuals from diverse backgrounds of race, gender, national origin, disability, age, religion, sexual orientation, and gender identity/expression opportunities to participate in recruitment, hiring, retention, and promotion of lawyers in all practice settings. Rene Morency of Missouri, Brandon Lee Wolff of Pennsylvania, and Wendy C. Shiba of California spoke in favor of the resolution. The resolution was **adopted.**

[403] On behalf of the New York State Bar Association and Steven M. Richman, Richard C. Lewis of New York moved Resolution 403 which condemns gender apartheid and seeks a leadership role of the American Bar Association in educating the public in criminalizing gender apartheid in legislation and conventions. Steven M. Richman of New Jersey, Sherry Levin Wallach of New York, and Michael H. Byowitz of New York spoke in favor of the resolution. The resolution was **adopted.**

[177C] On behalf of the Board of Governors, Frank ("Fritz") H. Langrock of Vermont moved Resolution 177C amending annual general member dues rates effective September 1, 2024. Deborah Enix-Ross of New York, Brian Plaut of California, Katherine M. Larkin-Wong of California, Kevin L. Shepherd of Maryland, Christopher Steven Jennison of Washington, D.C., Robert M. Carlson of Montana, and G. Nicholas Casey, Jr., of West Virginia spoke in favor of the resolution. The resolution was **adopted.**

Closing Business

Chair Vance recognized Orlando Lucero of New Mexico, who moved the Host Resolution for this meeting. The resolution was **approved**.

Chair Vance recognized Anna Paulina Krolikowska of Illinois to invite the delegates to attend the 2024 ABA Annual Meeting in Chicago.

At the conclusion of the meeting, Chair Vance recognized Laura V. Farber of California, who moved the House adjourn sine die. The motion was **approved.**

FOR THE SUPREME COURT
OF THE STATE OF WASHINGTON

PRACTICE *of* LAW BOARD

ANNUAL REPORT FOR FISCAL YEAR 2023 (FY23)

Lesli Ashley
WSBA # 148LLLT
Chair

Michael Cherry
WSBA # 48132
Chair-emeritus

I. ANNUAL REPORT SUMMARY

The Practice of Law Board (Board) is a Supreme Court board comprised of Court-appointed volunteers per Washington Court General Rule (GR) 25.[1] The Board is administered by the Washington State Bar Association (WSBA) per GR 12.3.[2] Because WSBA administers the Board this annual report covers WSBA fiscal year 2023 (FY23). It documents the Board's activities from Oct. 1, 2022, to Sept. 30, 2023.

A. EDUCATION

The Board did not meet its goal to get the first version of the Legal Checkup FAQ, originally published in English in FY22, translated into Spanish and Traditional Chinese within FY23.[3]

[1] WA. Gen. R. 25, Practice of Law Board, https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_25_00_00.pdf

[2] WA. Gen. R. 12.3, Washington State Bar Association Administration of Supreme-Court-Created Boards and Committees, https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_12_03_00.pdf.

[3] However, the translations were completed in Dec. 2023, and posted to the WSBA web site in Jan. 2024.

The Board is continuing to work on a making a version of a Legal Checkup available as online web service. The board is getting assistance from the WSBA IT department to keep this project moving forward.

B. INNOVATION

The Board worked to build consensus among stakeholders including the WSBA Executive Staff and the WSBA Board of Governors (BOG) for its data-driven legal regulatory reform framework (Framework).

The Board reviewed and commented on financial models for using the Framework created by WSBA Executive Staff based on the Board's FY 23 Recommendation to the Supreme Court (Recommendation)[4].

[4] Recommendation for a New Avenue for Persons Not Currently Authorized to Practice Law Via Data-driven Legal Regulatory Reform, available at https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/practice-of-law-board-memorandum-to-court-on-data-driven-legal-regulatory-reform.pdf?Status=Master&sfvrsn=806c13f1_5

Based on these conservative models the Framework should be self-sustaining in five to seven years as required by GR 24(2)(e).[5]

However, no funding is available from WSBA or the Courts to start using the Framework, and under GR 25 and GR 12 the Board is not able authorize work to begin use of the Framework even if its use was a test funded by participants or otherwise fund any use of the Framework as the Board is not an entity entitled to have a bank account or manage monies.

Therefore, the Board worked with the WSBA Executive Staff to prepare a proposal to the WSBA BOG clarifying the problem data driven regulatory reform and the Framework would be solving and asking for permission to beta test the Framework with a limited group of non-traditional legal service providers to collect

[5] See WA. Gen. R. 24(2)(e) new avenues must be "self-supporting within a reasonable period of time," however the rule does not define "reasonable period of time." The Board has proposed a reasonable period would be five years.

the necessary data to validate the financial models and the Framework.

C. UPL COORDINATION

The Board continued to refer complaints alleging the unlawful practice of law to appropriate agencies.

At the request of the Supreme Court, the Board made presentations to the Washington State Senate Law & Justice Committee,[6] and the Supreme Court Interbranch Advisory Committee[7] to advise them of the Board's view of the current market for legal services in Washington, focusing on the unauthorized practice of law, and the Board's Framework for data-driven legal regulatory reform.

[6] See TVW, Senate Law & Justice Committee Hearing, June 14, 2023, (fast forward to 2:12) available at https://tvw.org/video/senate-law-justice-2023061085/?eventID=2023061085&_gl=1*gda41r*_ga*OTE3OTE2NDQ1LjE2ODkyNjE2MTg.*_ga_J5MMHVD463*MTY4OTI2MTYxNy4xLjEuMTY4OTI2MTY5Ny42MC4wLjA.*_ga_8RDQJPBJXF*MTY4OTI2MTYzNC4xLjEuMTY4OTI2MTY5Ny4wLjAuMA.

[7] See TVW, Supreme Court Interbranch Committee Hearing, June 20, 2023 (fast forward to 1:10) available at https://tvw.org/video/interbranch-advisory-committee-2023061051/?eventID=2023061051&_gl=1*c9eol3*_ga*OTE3OTE2NDQ1LjE2ODkyNjE2MTg.*_ga_J5MMHVD463*MTY4OTI2MTYxNy4xLjEuMTY4OTI2MTY5Ny42MC4wLjA.*_ga_8RDQJPBJXF*MTY4OTI2MTYzNC4xLjEuMTY4OTI2MTY5Ny4wLjAuMA.

D. DIVERSITY

The Board improved the Board's diversity across factors including race and ethnicity, sex, category of legal professional, age, and time practicing law.

The Board continues to grow in diversity and be more inclusive as illustrated by the election of a chair who is a Limited License Legal Technician (LLLT) actively practicing law with under-represented individuals in the most rural and underserved areas of Washington state.

II. ROLE OF THE PRACTICE OF LAW BOARD

GR 25 defines the Board's responsibilities as: educating the public about how to receive competent legal assistance (Educate); considering and recommending new avenues for persons not currently authorized to practice law to provide legal- and law-related services (Innovate); and receiving complaints alleging the unauthorized practice of law in Washington

by any person or entity and referring such complaints to the appropriate agency for appropriate action (Coordinate UPL).

In FY23, the Board focused on putting the plans developed in FY21 and FY22 to work. It measured the work of the Board toward such goals. To continue to advance the Board's uncompleted projects from prior years, some of these plans are being revised for FY24.

A. ANNUAL REPORT REQUIREMENTS

Per GR 25(f), the Board is to file a written report and meet with the Supreme Court each year.

The report must contain the following information: (a) Board roster, including any committees formed; (b) Board meeting agendas; (c) Short description of all UPL complaints received, the disposition of the complaint, and if applicable, the name of the agencies receiving the referral; (d) Progress report or copies of educational materials provided to the public; (e) Progress report on

recommended new legal service providers or legal service delivery mechanisms; (f) Work plan for the fiscal year; and (g) Long-range work plan.

III. BOARD ROSTER

Per GR 25, the Board has 13 members. A minimum of five members must be people not currently authorized to practice law. The Board refers to these members as public members. Members currently authorized to practice law are referred to as legal professional members.

A. OVERALL BOARD COMPOSITION (FY23)

1. CHAIR

During FY23, the Chair of the Board was Michael Cherry. Michael is an active legal professional.

2. MEMBERS NOT CURRENTLY AUTHORIZED TO PRACTICE LAW (PUBLIC MEMBERS)

The following members of the Board in FY23 were not authorized to practice law: Dr. June Darling

(2021-2024); Pearl Gipson-Collier (2020-2023); Ellen Reed (2022-2025); and Dr. David Sattler (2021-2023).

There was one vacant public volunteer position.

3. MEMBERS AUTHORIZED TO PRACTICE LAW

The following members of the Board in FY23 were authorized to practice law: Lesli Ashley (LLLT | 2021-2024); Ms. Sarah Bove (LLLT | 2021-2024); Mr. Jeremy Burke (Attorney | 2021-2023); Mr. Michael Cherry (Attorney | 2022-2025); Kristina Larry (Attorney | 2022-2024); Craig Shank (Attorney | 2022-2025); Prof. Drew Simshaw (Non-WA Barred Attorney | 2021-2024); Michael Terasaki (Attorney | 2021-2023).

4. LIAISONS WITH OTHER BOARDS

Thea Jennings was the liaison with WSBA.

The honorable Judge Fred Corbitt was the liaison between the Board and the Access to Justice Board.

Governor Jordan Couch and Governor Erik Kaeding were the liaisons with the BOG.

B. NEW BOARD (FY24)

1. CHAIR

Lesli Ashley was nominated by the Board, approved by the BOG Nominations Committee, and appointed by the Supreme Court as Chair of the Board for FY24. Lesli is an active legal professional. This will be Lesli's first year as chair, and she will be assisted by Michael Cherry who will be Chair-emeritus for the next year.

2. MEMBERS NOT CURRENTLY AUTHORIZED TO PRACTICE LAW

These members of the Board for FY24 are not currently authorized to practice law: Dr. June Darling (2021-2024); Sharon Josefy Hytnen (2023-2026); Ellen Reed (2022-2025); James Minh Nguyen (JD | 2023-

2026); and Prof. Drew Simshaw (Non-WA barred Attorney[8] | 2021-2024).

3. MEMBERS AUTHORIZED TO PRACTICE LAW

These members of the Board for FY24 are authorized to practice law: Lesli Ashley (LLLT | 2021-2024); Sarah Bove (LLLT | 2021-2024); Michael Cherry (Attorney | 2022-2025); Rory Hardy (LLLT | 2023-2026); WSBA Governor Kristina Larry (Attorney | 2022-2024); Ronald Satterthwaite (Attorney | 2023-2026); Mr. Craig Shank (Attorney | 2022-2025); Michael Terasaki (Attorney | 2023-2026).

4. LIAISONS WITH OTHER BOARDS AND WSBA

Thea Jennings will be the liaison with WSBA.

[8] Note Prof. Drew Simshaw's membership was reclassified in FY 24 as a member not authorized to practice law. Similarly, James Minh Nguyen who has a J.D. but who is not a member of the WA State Bar is a member not authorized to practice law.

Nicholas Larson will be the liaison between the Board and the Access to Justice Board. Michael Terasaki is the POLB liaison to the Access to Justice Board.

Governor Jordan Couch will be the liaison with the WSBA BOG. (Please note that Governor Kristina Larry is also a legal professional member of the Board.)

IV. BOARD AGENDAS

The Board holds monthly meetings (quorum permitting).

A. GENERIC AGENDA

The basic agenda for Board meetings is approval of the minutes of the previous meeting, and a review of work items in the Board's three areas of responsibility: education, innovation, and coordination of UPL complaints.

If there is a complaint alleging UPL to review, the Board meeting goes into executive session (Board

members only) to determine the disposition of the complaint.

B. MONTHLY AGENDAS

Monthly agendas are posted on the WSBA website before each monthly meeting, and then replaced by the next monthly agenda.[9] The Board minutes are available from the Board page of the WSBA website.[10]

[9] See: Practice of Law Board, available at https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/practice-of-law-board.
[10] See: Practice of Law Board, https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/practice-of-law-board.

V. EDUCATION

The Board planned to publish translations of the Legal Checkup FAQ (originally published in 2022) into Traditional Chinese and Spanish. The translations are complete, and the Board published these translations in early FY24.

Although the English version of the Legal Checkup is available at the WSBA website,[11] website statistics show the public is not finding, and therefore not benefitting from, this information. The Board believes the key factor for the low number of visits and potential downloads relates to how hard it is to find information about the Board and its activities within the WSBA website. As part of finalizing the first phase of the translation project, the Board's goal is to use the availability of the Legal Checkup in two additional

[11] See Legal Checkup Help, available at https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/legal_help_faq-v1_2022-07-08.pdf?sfvrsn=de8b10f1_4.

languages as an opportunity to relaunch the work with better search engine optimization (SEO) and with some press releases and other advertising to make it more accessible by the public. The Board will continue with this effort in FY24.

The Board is working with WSBA IT department to get an online version of a Legal Checkup hosted on the WSBA website.

VI. INNOVATION

The Board continued to work on its Recommendation to the Supreme Court for the Framework.

Renata de Carvalho Garcia, Chief Regulatory Counsel & Director of Regulatory Services, created financial models for the Framework. These models showed that the costs of implementing the Board's Recommendation to the Supreme Court remains a significant barrier.

The Board believes that proceeding without adequately addressing how to pay for using the Framework would only set it up for eventual failure. Therefore, the Board asked the Supreme Court to place the Board's Recommendation on hold while additional research was conducted.

The Chair, after conversations with Chief Justice Gonzalez, has worked with key members of the WSBA Executive Staff, and members of the BOG to discuss running a beta test of the Board's Recommendation. The Board and the WSBA Executive Staff agreed that the problem the Recommendation is addressing is how to authorize and regulate entities to offer legal services. The beta test would also help determine whether WSBA is the correct group to manage such authorization as delegated by the Supreme Court; whether volunteer members could perform majority of the work of running the Framework;

and the role WSBA staff would have to administer and oversee (effectively audit) the work of the volunteers.

Based on this agreement, the Board and WSBA Executive staff presented the beta concept to the BOG for their consideration. At the BOG meeting in Nov. 2023 (the beginning of FY24), the BOG voted to support the concept of the beta test With the BOG's support and collaboration, the Board is working to draft the Recommendation to accommodate the beta test concept for submission to the Supreme Court, and to operationalize the Blueprint to document how to manage the beta test if authorized by the Supreme Court.

VII. ALLEGED UPL COMPLAINTS IN FY23

A. OVERALL COMPLAINTS

During FY23, the Board received 32 complaints alleging UPL. This is an increase of one complaint from FY22.

At the end of FY23, a total of nine complaints were pending review, generally because the respondent had not acknowledged the complaint. These complaints will be resolved in early FY24.

Nine complaints were closed without a referral to any agency.

Complaints were referred to various agencies including the Washington, Oregon, and Florida Bar Associations disciplinary offices, and the sheriffs' and prosecutors' offices in the counties where the complaints occurred. All complaints sent to county enforcement agencies were also forwarded to the Attorney General's Office per their request for review for other statutory violations.[12]

[12] For example, the AGO has been prosecuting matters which may qualify as UPL under the Washington's Immigration Services Fraud Prevention Act (RCW 19.154) available at https://app.leg.wa.gov/RCW/default.aspx?cite=19.154, and the Estate Distribution Documents Act (RCW 19.295) available at https://app.leg.wa.gov/RCW/default.aspx?cite=19.295.

B. UPL TRENDS

Again, this year, UPL complaints spanned several categories.

Most often, the Board receives complaints that allege legal document preparation, unauthorized legal advice, and unauthorized practice in Washington courts. During presentations with the AGO to the Senate Law & Justice Committee and the Supreme Court Interbranch Advisory Committee, it became apparent that the AGO has approximately twice the number of complaints as the Board. This means people are complaining directly to the AGO which is good, as the AGO has investigatory resources. However, this also illustrates that the Practice of Law Board does not have a complete picture as to the extent of UPL in Washington State or a clear picture of the market for legal services (both authorized and unauthorized).

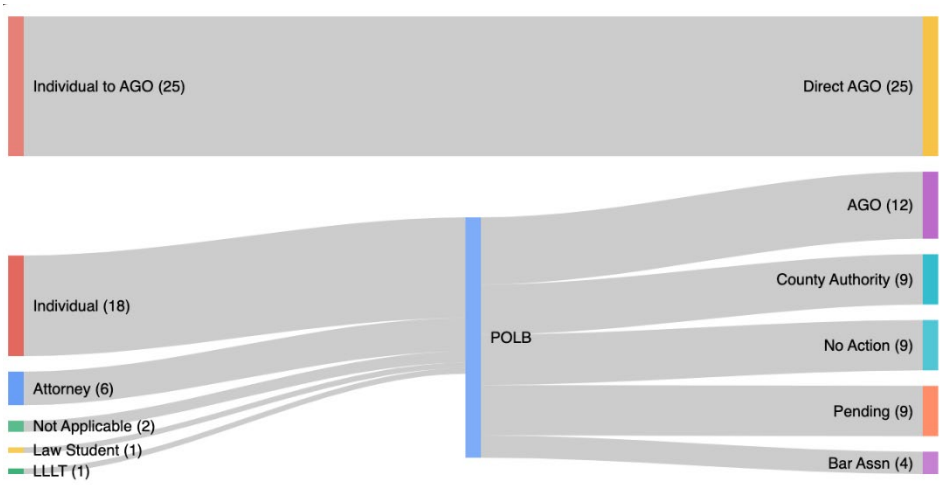

Fig 1. Disposition of UPL Complaints in FY23

C. UPL PROCESS IMPROVEMENTS (COORDINATION)

The Board began routing complaints both to prosecutors' and sheriffs' offices in FY23 because in the smaller and rural counties in Washington, prosecutor's offices have little or no investigatory staff, relying on sheriffs to fulfill this role.

VIII. WORKPLANS

A. EDUCATE

At an in-person strategy meeting in FY23, the concept of a dual Education role was proposed, which the Board calls "Educate Up and Educate Out".

Educate Up involves educating stakeholders, including the public, WSBA, and the courts about the market for legal services in Washington State, including both authorized and unauthorized legal service providers. The goal of this education effort would be to understand the overall market for legal services and its impact on the access-to-justice gap. This would see the Board become the collector and analyzer of data about legal services in the state so that data driven decisions about the allocation of resources and changes to legal services could be made.

Educate Out continues the ongoing work to educate the public about how to obtain competent legal services.

Here, the plan for making the Legal Checkup materials more widely available in multiple languages remains a key goal.

The Board hopes to improve the public's ability to access the Legal Checkup through development of an

interactive tool in collaboration with WSBA's IT department.

B. INNOVATE

In FY24, the Board hopes to revise the Recommendation to the Supreme Court for a beta test of authorizing and regulating entities to provide legal services using the Board's Framework for data-driven legal regulatory reform; and work with WSBA to prepare for and conduct a beta test of the Framework.

C. COORDINATE UPL

As an offshoot of the Educate Up concept, the Board realizes it needs to better educate the sheriffs about UPL and other statutory violations that often occur with UPL, so they will be more willing to allocate scarce investigatory resources to UPL complaints.

The Board wants to revise how UPL is reported and make forms more interactive and online, and available in multiple languages.

The Board needs to bring proposed amendments to GR 24 to the Supreme Court for its approval to update GR 24 in accordance with the statutory revision that puts all civil protection orders under a single statute.[13]

Finally, the Board continues to investigate whether UPL should be a per se violation of the Washington Consumer Protection Act.

D. DIVERSITY AND INCLUSION

The Board plans to continue to work on recruiting diverse volunteers to the Board, and ensure they are included in the work of the Board.

To that end, the Board has concerns about what constitutes a public member and will consider amendments to GR 25 to clarify this matter.

[13] RCW 7.105 Civil Protection Orders available at https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.

IX. BUDGET

For FY23, the budget for the Board was $12,000 in direct expenses and $61,797 in indirect expenses. As of September 30, 2023, the Board spent $2,436 in direct expenses, and $63,426 in indirect expenses.

X. ACKNOWLEDGMENTS

The Board wants to acknowledge and thank our former public members, Pearl Gipson-Collier, Dr. David Statler, and Jeremy Burke for their service to the Board and the community. The Board benefited greatly from their membership. (The Board spent a small amount of its budget to give members leaving the Board a coffee cup with the Board Logo and Thank You printed on it.)

The Board appreciates the time and guidance that the Justices of the Supreme Court have given the Board so the Board can do its work and represent the Court and the judiciary positively in the view of the public.

The Board wants to acknowledge the hard work of paralegal Kyla Reynolds, attorney Thea Jennings, General Counsel Julie Shankland, Chief Equity and Justice Officer Diana Singleton, Director of Advancement Kevin Plachy, Chief Regulatory Counsel Renata de Carvalho Garcia, Chief Disciplinary Counsel Douglas J. Ende, Chief Communications and Outreach Officer Sara Niegowski, Volunteer Engagement Advisor Paris Eriksen (for recruiting efforts), graphics artist Jim Hanneman (for work on the Board's graphic needs), and Executive Director Terra Nevitt for their support of the Board, and their day-to-day contributions to our work.

Governor Jordan Couch has also helped support the Board, especially in keeping the BOG up-to-date on the Board's work and helping the Board understand diversity and inclusion.

Finally, the Board wants to thank the Court staff, particularly Ms. Lipford for helping us communicate

with the Court and schedule meetings, and to the Justices of the Supreme Court for being gracious and meeting with us several times throughout the year to offer guidance and direction.

E. CONCLUSION

The Board awaits any guidance from the Court to assist it in serving the Supreme Court in its mission.

RESPECTFULLY SUBMITTED this the 29th day of Feb. 2024,

By: /s/ Lesli Ashley

By: /s/ Michael Cherry

CLIENT PROTECTION FUND

Trustees' Annual Report: Fiscal Year 2023

LAWYERS' INDEMNITY FUND EST. 1960 • CLIENT PROTECTION FUND EST. 1994

WASHINGTON STATE BAR ASSOCIATION
1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539
206-727-8200

PURPOSE OF THE CLIENT PROTECTION FUND

"The purpose of this rule is to create a Client Protection Fund, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession. […] Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA as a result of or directly related to the member's practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension."

Admission and Practice Rules 15(a) and (b).

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2023

FY 2023 TRUSTEES	
Daniel Clark, President	Yakima
Hunter Abell, President-elect	Seattle
Hon. Brian Tollefson, Ret., Immediate Past-President	Tacoma
Francis Adewale	Spokane
Sunitha Anjilvel	Redmond
Lauren Boyd	Vancouver
Jordan Couch	University Place
Matthew Dresden	Seattle
Kevin Fay	Bellevue
Erik Kaeding	Kent
Nam Nguyen	Olympia
Kari Petrasek	Mukilteo
Brett Purtzer	Tacoma
Mary Rathbone	Ephrata
Serena Sayani	Seattle
Alec Stephens	Seattle
Brent Williams-Ruth	Federal Way

FY 2023 CLIENT PROTECTION BOARD	
Carrie Umland, Chair	University Place
Joanne Abelson	Mercer Island
Luis Beltrán	Tacoma
Andrew Benjamin	Seattle
Carla Higginson	Friday Harbor
Efrem Krisher	Bellevue
Dana Laverty	Covington
Sarah Moen	Seattle
Mark Stiefel	Kirkland
Page Ulrey	Seattle
Danielle Wright	Tacoma
Ruthanna Walker	Renton
Mackenzie Bretz	Bothell

WSBA STAFF TO THE CLIENT PROTECTION BOARD	
Nicole Gustine	Assistant General Counsel; CPF Liaison/Secretary
Brenda Jackson	CPF Specialist

TABLE OF CONTENTS

APPENDIX

I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND

Washington is fortunate to have a history of maintaining a stable Client Protection Fund (CPF) that is strongly supported by the Washington Supreme Court and the Washington State Bar Association (WSBA). Washington was one of the first states to establish what was then called a Lawyers' Indemnity Fund in 1960. Since that time, WSBA members have compensated victims of the few dishonest members who have misappropriated or failed to account for client funds or property.

The current CPF was established by the Washington Supreme Court in 1994 at the request of the WSBA by the adoption of Rule 15 of the Admission to Practice Rules (APR), now called the Admission and Practice Rules. Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients' security or indemnity fund out of the Bar's general fund. Similar funds are maintained in every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries.

The CPF helps accomplish important goals shared by the Court and the WSBA – client protection, public confidence in the administration of justice, and maintaining the integrity of the legal profession. Under APR 15, CPF payments are gifts, not entitlements. An annual assessment from certain members licensed in Washington finances all CPF gifts. Gifts are not financed by public funds.

On January 8, 2021, the Court approved the WSBA Board of Governor's (BOG's) recommendation to reduce the CPF assessment from $25 to $20, effective January 1, 2022, for the calendar years 2022 and 2023. On November 21, 2022, the Court approved the BOG's recommendation to reduce the CPF assessment for the 2024 calendar year from $20 to $15. On January 4, 2024, the Court approved the BOG's recommendation to increase the CPF assessment for the 2025 calendar year from $15 to $20.

Currently, WSBA lawyers on active status, lawyers with *pro hac vice* admissions, in-house counsel, house counsel, foreign law consultants, and Limited Licensed Legal Technicians (LLLTs) pay an annual assessment to the Fund. The following chart shows the experience of the past 10 years.

Client Protection Fund Applications 2014-2023

Fiscal Year	# Of Members[1]	# Of Members With Approved Applications	# Of Applications Received	# Of Applications Approved	Gifts Approved
2014	31,495	14	141	44	$337,160
2015	31,335	20	79	59	$495,218
2016	32,969	16	56	44	$253,228
2017	33,357	19	72	47	$439,273
2018	33,858	18	119	46	$926,434
2019	34,388	18	61	48	$419,488
2020	34,905	16	57	33	$586,266
2021	34,839	18	107	29	$491,737
2022	33,121	13	49	33	$587,815
2023	33,383	14	41	42	$342,424

[1] Through December 31, 2018, only lawyers on Active status, pro hac vice, in-house counsel, house counsel, and foreign law consultants paid the assessment. Effective January 1, 2019, Limited Licensed Legal Technicians (LLLTs), also paid the assessment.

II. FUND PROCEDURES

The CPF is governed by Admission and Practice Rule (APR) 15 and CPF (APR 15) Procedural Regulations adopted by the Board of Governors and approved by the Supreme Court.

Administration: The members of the Board of Governors of the WSBA serve during their terms of office as Trustees for the CPF. The Trustees appoint and oversee the Board, comprised of 11 lawyers and 2 community representatives. This Board has the authorization to consider all CPF claims, make CPF reports and recommendations to the Trustees, submit an annual report on Board activities to the Trustees, and make such other reports and publicize Board activities as the Court or the Trustees may deem advisable. Two WSBA staff members help the Board ensure the smooth functioning of its work. WSBA Client Protection Fund Analyst Brenda Jackson performs a wide variety of tasks to help members of the public and the Board in the processing and analyzing of CPF claims. WSBA Assistant General Counsel Nicole Gustine acts as WSBA staff liaison to the Board, provides legal advice to the Board, and serves as Secretary to the Board.

Application: Clients of WSBA members that allege a dishonest taking of, or failure to account for, funds or property by a WSBA member, in connection with that member's practice of law, can apply for a gift from the CPF. To be eligible, clients must file a disciplinary grievance against the member, unless the member has resigned in lieu of discipline; is disbarred, or deceased. Because most applications involve members who are the subject of disciplinary grievances and proceedings, action on Fund applications normally awaits resolution of the disciplinary process.[2] This means that most applicants wait for the discipline process to be complete before the Board reviews their application. However, to increase efficiency the application process, application review is in the order that an applicant filed their grievance (if applicable). Otherwise, an application is processed and reviewed in the order of receipt.

Eligibility: To be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property through the dishonest acts of, or failure to account by, a WSBA member. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees as required by Rule 1.16 of the Rules of Professional Conduct.

[2] APR 15 Regulation 6(h). In addition, Rule 3.4(i) of the Rules for Enforcement of Lawyer Conduct provides that otherwise confidential information obtained during the course of a disciplinary investigation may be released to the Client Protection Fund concerning applications pending before it. Such information is to be treated as confidential by the Board and Trustees.

The Fund is not available to compensate for member malpractice or professional negligence. It also cannot compensate for loan, investment, or other business transactions unrelated to the member's practice of law.

When an application is received, it is initially reviewed to determine whether it appears eligible for recovery from the Fund. If the application is ineligible on its face, the applicant is advised of the reasons for its ineligibility. If the application passes the initial intake process and appears potentially eligible for payment, Fund staff investigates the application. When the application is ripe for consideration by the Board, a report and recommendation is prepared by Fund staff.

Board and Trustee Review: On applications for less than $25,000, or where the recommendation for payment is less than $25,000, the Board's decision is final. Board recommendations on applications where the applicant seeks more than $25,000, or where the Board recommends payment of more than $25,000 or involving payment of more than $25,000 be made to applicants regarding any one licensed legal professional, are reviewed by the Trustees.

The maximum gift amount is $150,000. There is no limit on the aggregate amount that may be paid on claims regarding a single member. Any payments from the Fund are gifts and are at the sole discretion of the Fund Board and Trustees.

Legal Fees: Members may not charge a fee for assisting with an application to the Fund, except with the consent and approval of the Trustees.

Assignment of Rights and Restitution: As part of accepting a gift from the Fund, applicants are required to sign a subrogation agreement for the gift. The Fund attempts to recover its payments from the members or former members on whose behalf gifts are made, when possible; however, recovery is generally successful only when it is a condition of a criminal sentencing, or when a member petitions for reinstatement to the Bar after disbarment.[3] To date, the Fund (and its predecessors) has recovered approximately $589,389.

Difficult Claims: One of the more difficult claim areas for the Board and Trustees involves fees paid to a member for which questionable service was performed. The Board is not in a position to evaluate the quality of services provided, or to determine whether the fee charged was reasonable, therefore, an application can generally be denied as a fee dispute. (The denial may also include other bases, such as malpractice or negligence.) However, where it appears that there is a pattern of conduct which establishes that a member knew or should have known at the time the member accepted fees from a client that the member would be unable to perform the service for which he or she was employed, or the member simply performs no service of value to the client, and does not return unearned fees, the Board has concluded that such conduct may be either dishonesty or failure to account within the context of the purposes of the Fund, and will consider such applications. Similarly, if a member withdraws from representing a client or abandons a client's case without refunding any unearned fee, the Board may conclude that the

[3] Admission and Practice Rule 25.1(d) provides that no disbarred lawyer may petition for reinstatement until amounts paid by the Fund to indemnify against losses caused by the conduct of the disbarred lawyer have been repaid to the Fund, or a payment agreement has been reached.

member has engaged in dishonest conduct or has failed to account for client funds.

Another difficult claim area concerns loans or investments made to or through members. In instances where there is an existing client/LLP relationship through which the member learns of his or her client's financial information, persuades the client to loan money or to invest with the member without complying with the disclosure and other requirements of RPC 1.8,[4] and does not return the client's funds as agreed, the Board may consider that a dishonest act for purposes of the Fund.

[4] In relevant part, RPC 1.8 provides:

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the member acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A member shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, expect as permitted or required by these Rules.

III. FINANCES

The Fund is financed by an assessment as described above. The Fund is maintained as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by members is added to the Fund balance. The Fund is self-sustaining; administrative costs of the Fund, such as Board expenses and WSBA staff support, are paid from the Fund.

Year	Pending applications at start of fiscal year:	Fund beginning balance[5]	Fund revenues received	Board expenses and overhead[6]	Restitution received	Gifts recognized for payment
FY 2014	**$1,814,266**	$1,213,602	$949,965	$70,196	$3,668	$339,161
FY 2015	**$1,229,864**	$1,746,010	$990,037	$90,315	$3,703	$490,357
FY 2016	**$13,203,653**	$2,144,289	$1,001,198	$129,553	$2,970	$371,452[7]
FY 2017	**$1,463,914**	$2,646,222	$1,024,954	$113,672	$3,709	$318,584
FY 2018	**$2,045,175**	$3,242,299	$1,040,498	$166,969	$28,255	$917,051[8]
FY 2019	**$3,206,880**	$3,227,988	$1,110,963	$146,618	$8,347	$379,818
FY 2020	**$3,342,227**	$3,816,143	$1,099,237	$141,514	$15,351	$591,449[9]
FY 2021	**$4,690,958**	$4,193,130	$368,170	$151,055	$137,971	$499,637
FY 2022	**$4,252,961**	$4,046,246	$740,321	$162,100	$8,906	$587,815
FY 2023	**1,583,389.85**	4,063,501	$961,358	$173,059	$9,177	$342,424

[5] It is important for the Fund to maintain a sufficient balance to meet anticipated future needs. It is impossible to predict from year to year how many meritorious claims injured applicants will make.

[6] Board expenses and overhead include WSBA staff time to administer the Fund, including processing of applications, helping members of the public, investigating claims, and making recommendations to the Board.

[7] The amount of gifts recognized in the FY 2016 financial statements overstates by $115,000 due to a duplicate recording of approved gifts, correct in FY 2017. This explains the substantial difference between the amounts listed for FY 2016 and FY 2017 under this column as compared with the "Gifts Approved" column on page 2.

[8] The amount of gifts recognized in the FY 2018 financial statements understates by $9,383 due to unclaimed CPF gifts that expired in FY 2018.

[9] The amount of gifts recognized in the FY 2020 financial statements overstates by $5,183, due to interest owed to an applicant and a payment voided in FY 2021. This explains the difference between the amounts listed for FY 2020 under this column as compared with the "Gifts Approved" column on page 2.

IV. BOARD AND TRUSTEE MEETINGS AND ACTIVITIES

Board: The Client Protection Board met four times this past fiscal year: November 7, 2022; February 6, 2023; May 1, 2023, and August 7, 2023. The Board considered 71 applications to the Fund involving 33 members and approved 42 applications involving 14 members.

Fund Trustees: The Trustees reviewed the Board's recommendations on applications for more than $25,000, or for payment of more than $25,000, and approved the 2023 Annual Report for submission to the Supreme Court pursuant to APR 15(g).

Public Information: The Client Protection Fund maintains a website at: https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/client-protection-board that provides information about the Fund, its procedures, and a downloadable application form.

V. APPLICATIONS AND PAYMENTS

At the beginning of FY 2023, there were 138 pending applications to the Fund. During FY 2023, the Fund received 41 additional applications. The Board and Trustees acted on 71 applications concerning 33 lawyers and approved 42 applications concerning 14 lawyers. The total amount in approved payments is $342,424. Shown below is a summary of Board and Trustee actions.

Applications Pending as of October 1, 2023	**138**[10]
Applications Received During FY 2023	**41**
Applications Acted Upon by Board and Trustees	**71**
Applications Carried Over to FY 2024	**108**

Applications Approved for Payment in FY 2023	**42**
Applications approved for payment arose from the member's dishonest acts such as theft or conversion, failure to return or account for unearned legal fees, and investments or loans with members.	

Applications Denied in FY 2023	**29**
Application denials are for reasons such as fee disputes, no evidence of dishonesty, alleged malpractice, restitution already paid in full, no attorney client relationship, and other reasons.	

[10] Applications received or pending are still in investigation, not yet ripe, or temporarily stayed. All approved applications receive initial payments of up to $5,000, with the balance reserved for possible proration against 75% of the Fund balance at fiscal year-end.

APPROVED APPLICATIONS

ATTORNEY	Number of Applications Approved	Dollar Amount of Applications Approved	Page Number
Corey, Barbara, WSBA #11778	1	$1,8000	10
Cox, Kenneth, WSBA #35650	1	$78,265	10
Hoff, Glen, WSBA #24645	3	$13,623	11
Jakeman, David, WSBA #39332	15	$66,975	11
Lopez, Cassandra, WSBA #34318	1	$16,000	15
Lowe, Aaron, WSBA #15120	1	$5,000	16
Lyons, Deborah, WSBA #15630	1	$2,500	16
Moote, Peter, WSBA #6098	1	$13,556	17
Pierce, Rodney, WSBA #5317	1	$4,000	17
Snyder, Mara, WSBA #43474	12	$35,080	17
Spencer, Merwin, WSBA #41162	1	$12,850	20
Wade, Robert, WSBA #33679	1	$2,000	21
Warren, Henry, WSBA #30360	1	$61,575	21
Weber, Matthew, WSBA #31308	2	$13,000	22
	TOTAL:	**$342,424**	

The following summarizes the gifts and recommendations made by the Board:

COREY, BARBARA, WSBA #11778 – DECEASED

APPLICANT: 21-009 – Decision: $18,000

In March 2019, Applicant hired Corey to represent him on an appeal in a criminal matter, paying $18,000. Throughout the representation, communication with Corey was inconsistent. Applicant, who is incarcerated, would have his mother, communicate with Corey through email. Applicant's mother made several attempts to email Corey to schedule calls for Applicant and Corey. The calls would often be rescheduled or canceled. Applicant eventually learned that Corey was having health complications and unable to perform work. Corey passed away on June 7, 2021. Corey never filed anything on Applicant's appeal.

The Board approved a gift of $18,000.

COX, KENNETH, #35650 – DECEASED

APPLICANT: 22-019 – Decision: $78,265.21

In July 2008, Cox took over Charles Shoemaker's representation of Applicant in an estate matter that originated in July 2007. Applicant originally hired Shoemaker to do the probate for his Mother's estate. On July 25, 2007, Department of Social and Health Services (DSHS), filed a Creditor's Claim against the Mother's estate for $139,786.48. Applicant sold a 1968 Toyota Corolla and his mother's home for proceeds totaling $86,137.97, which were deposited into Shoemaker's trust account. In July 2008, Shoemaker retired, and Cox took over his practice. In a letter dated November 11, 2008, Cox wrote to DSHS Estate Recovery Unit, to request a reduction in claim and listed an estate balance of $85,515.21 he held in trust and the expenses that had been incurred by Applicant in connection with the administration of the estate. Thereafter, it became difficult for Applicant to communicate with Cox. Applicant made unsuccessful attempts to reach Cox. On June 30, 2011, Cox passed away and soon after, Applicant started experiencing health problems. When Applicant recovered, his wife began to experience health problems. In August 2021, Applicant sought counsel to find out what he could do to recover the estate funds. New Counsel discovered that Cox had embezzled funds from his trust account prior to his death. New Counsel contacted DSHS, made them aware of the circumstances, and informed them of Applicant's claim to the Client Protection Fund. DSHS withdrew their creditor's claim against Applicant's Mother's estate. After deducting Cox's earned fee of $7,250, the balance of the estate would be $78,265.21. This application was time-barred. However, Applicant was unaware of the Client Protection Fund until he met WSBA members who previously assisted applicants with their claims to the Fund.

The Board approved a gift of $78,265.21.

HOFF, GLEN, #24645 – DECEASED

APPLICANT: 21-011 – Decision: $4,623

In November 2020, Applicant hired Hoff to represent him in a criminal matter, paying $6,900. Thereafter, during the pandemic, Hoff became ill and was in and out of the hospital. Hoff became too ill to perform any work of value on Applicant's case. Hoff passed away, on June 4, 2021.

The Board approved a gift of $4,623.

APPLICANT: 21-106 – Decision: $6,000

In March 2020, Applicant hired Hoff to represent him in a criminal matter, paying $6,000. During the pandemic, Hoff became ill and was in and out of the hospital. Hoff became too ill to perform any work of value on Applicant's case. Hoff passed away, on June 4, 2021. Applicant hired new counsel, who found no work of value when he took on Applicant's case. Hoff had only filed a notice of appearance, and then obtained nine agreed continuances.

The Board approved a gift of $6,000.

APPLICANT: 22-049 – Decision: $3,000

In March 2020, Applicant hired Hoff to represent him in a criminal matter, paying $3,000. On June 27, 2021, Applicant learned that Hoff passed away when he saw his obituary in the Skagit Valley Herald. Hoff became ill during the pandemic and passed away on June 4, 2021. Applicant hired new counsel. According to new counsel, Hoff appeared in court for continuances, but no other work was done.

The Board approved a gift of $3,000.

JAKEMAN, DAVID, #39332 – RESIGNED IN LIEU OF DISCIPLINE

APPLICANT: 21-000 – Decision: $5,775

In July 2019, Applicant hired Jakeman to represent her in an immigration matter, paying a total of $6,200. Jakeman performed little to no work. Though he appeared at her first hearing, thereafter, he was a no show. At her second court appearance, the judge informed Applicant that her case would be dismissed if Jakeman failed to appear. In or around November of 2020, Applicant was contacted by a former Associate of Beacon Immigration, to inform her of Beacon Immigration's closure. The former Beacon Immigration Associate had become an Associate at Clearwater Law Group (CWLG) and was assigned to be custodian over the Beacon Immigration client files. Applicant hired CWLG as new counsel. CWLG obtained a new hearing date. Jakeman never returned the unearned fees.

The Board approved a gift of $5,775.

APPLICANT: 21-001 – Decision: $3,000

Between October 2014 and July 2020, Applicant hired Jakeman to represent her in an immigration matter, paying $4,500. Applicant's matter included representation for work permit renewals and an asylum application. When Applicant received notice of Beacon Immigration's closure, she hired Clearwater Law Group (CWLG). According to CWLG, Jakeman did the work permit renewals, but his office closed prior to performing the work for Applicant's master hearing. CWLG completed the Master Hearing.

The Board approved a gift of $3,000.

APPLICANT: 21-003 – Decision: $3,300

In February 2017, Applicant hired Jakeman to represent him in obtaining his United States (U.S.) Citizenship, paying $3,300. Applicant also paid $500.00 for an FBI Records Check. The FBI Records Check did not exhibit Applicant's previous entries into the U.S. Jakeman advised Applicant to only disclose of his first entry, so that he could be eligible to become a lawful permanent U.S. resident. Applicant went through the immigration medical examination, incurring an additional cost of $1,000. Upon learning of Beacon Immigration's closure, Applicant found that Jakeman never filed the applications and did not send in the medical exam. Jakeman performed no work of value and did not return the unearned fees. The $1,000 cost for the medical examination is not eligible for compensation from the Fund.

The Board approved a gift of $3,300.

APPLICANT: 21-004 – Decision: $1,500

In October 2017, Applicant hired Jakeman to represent him in an immigration matter, paying $3,000. Applicant estimated that Jakeman had performed half the work on his case before he filed bankruptcy and closed his offices. However, according to Applicant's new counsel, Jakeman was to complete the provisional unlawful presence waiver and immigrant visa processing at the U.S. Embassy in Guatemala. The waiver was completed but the visa processing was not. The immigrant visa process entails filing an electronic application with the U.S. Department of State (DoS) and then submitting the supporting documentation to the National Visa Center, where the DoS reviews the information before sending the completed application to the U.S. Embassy where the visa is issued. Jakeman filed the DS-260 and then failed to submit the complete evidence. The DS-260 will need to be re-filed, correctly before Applicant can be prepared for the immigrant visa interview.

The Board approved a gift of $1,500.

APPLICANT: 21-014 – Decision: $4,000

In October 2017, Applicant hired Jakeman to represent him in an immigration matter, paying $6,000. Jakeman filed the initial forms in Applicant's case and thereafter became difficult to contact. Applicant had a court hearing set for September 2, 2020. Applicant did not prepare for the hearing, as Jakeman was not responding to communication. Due to the pandemic, the hearing was rescheduled. Applicant received a letter from Jakeman informing him of his bankruptcy, office closure, withdrawal from representation, and that he could not provide a

refund of unearned fees. Applicant hired new counsel, who discovered that Jakeman performed no work of value in Applicant's matter.

The Board approved a gift of $4,000.

APPLICANT: 21-024 – Decision: $7,000

In January 2018, Applicant hired Jakeman to represent her in an immigration court proceeding, paying $7,000. Applicant states that Jakeman never performed any work on her case. When Applicant received the notice of Beacon Immigration's closure and bankruptcy, she hired new counsel to assist her with filing a Client Protection Fund claim. New counsel wrote a demand letter to Jakeman requesting a copy of the client file and return of the $7,000 fee. Jakeman's response exhibited that he did not perform any work on Applicant's case.

The Board approved a gift of $7,000.

APPLICANT: 21-026 – Decision: $4,000

In August 2018, Applicant hired Jakeman to represent her in an immigration matter, paying $8,000. Applicant had been detained at Northwest Detention Center and her husband was seeking representation to get Applicant's bond. After signing a representation agreement with Jakeman, it became difficult to communicate with Jakeman. On August 30, 2018, Applicant was able to obtain bond without representation. Jakeman did not appear at any of Applicant's hearing dates. Due to COVID, Applicant's last two hearing dates were rescheduled. Jakeman completed the preparation and filing of the EOIR-42B application with USCIS for biometrics and purpose. On February 2, 2021, Applicant filed a WSBA grievance after learning of Beacon Immigration's closure.

The Board approved a gift of $4,000.

APPLICANT: 21-029 – Decision: $10,000

In July 2018, Applicant hired Jakeman to represent him in an immigration matter, paying a total of $10,500. In October 2020, Applicant received notification of Jakeman's office closure. Applicant alleges that Jakeman did not complete the cases for which he was hired. In December 2020, Applicant hired Clear Water Law Group (CWLG), paying $2,000, for representation for asylum procedure and to terminate proceedings with the court, as well as an Adjustment of Status (AOS) (245a). CWLG assisted in gathering the necessary evidence to file an AOS with USCIS while Applicant's removal case was still pending. While the AOS was being processed, Applicant did not receive a hearing notice before the immigration judge and continued the process until Applicant was able to obtain his residency. After obtaining residency CWLG filed a motion to terminate proceedings with Immigration Court to dismiss his case as he had become a lawful permanent resident through his wife, a United States Citizen.

The Board approved a gift of $10,000.

APPLICANT: 21-059 – Decision: $5,000

In August 2018, Applicant hired Jakeman to represent her in an immigration matter paying $8,000. On November 2, 2020, Applicant was informed of Beacon Immigration's closure and

bankruptcy and that she needed to seek new representation. Applicant was in the middle of her immigration matter with her next court date set for April 2021. Applicant filed a WSBA Grievance. Jakeman responded to the grievance, stating that he no longer had access to his case management system. However, it appears that Applicant's case had been handled properly and that her application for cancellation of removal was completed and filed. Jakeman stated that the only remaining task in Applicant case was to prepare and attend the ICH. While granting that a refund of $2,000 would be appropriate, he did not have the funds to make a refund.

The Board approved a gift of $5,000.

APPLICANT: 21-087 – Decision: $5,300

In March 2019, Applicant hired Jakeman to represent her in an immigration matter, paying $7,000. Applicant states that Jakeman completed the work to get her I-130 approved. Thereafter, she did not hear from him again. Applicant's application lacked documentation of her full payment.

The Board approve a gift of $5,300.

APPLICANT: 21-089 – Decision: $2,000

In January 2020, Applicant hired Jakeman to represent him in an immigration matter, paying $2,000. Applicant met with Jakeman's assistant to provide documentation and sign a fee agreement. In January 2021, Applicant received a letter from Chelan Crutcher-Herrejon, informing him that Jakeman had filed bankruptcy and closed his office. Crutcher-Herrejon was a custodian working to return client files to Jakeman's former clients. During this time, Applicant learned that Jakeman never performed any work on his case, as there were no records of any documentation being filed in Applicant's immigration matter.

The Board approved a gift of $2,000.

APPLICANT: 21-103 – Decision: $5,500

In June 2018, Applicant hired Jakeman to represent him in an immigration matter, paying $5,500. Jakeman filed the immigration residency applications and thereafter, it became difficult for Applicant to contact him. The pandemic started and Applicant never heard from Jakeman again. Applicant went to Beacon Immigration to discuss his upcoming hearing with Jakeman and discovered that Beacon Immigration was closed and had been replaced by Clearwater Law Group (CWLG). Applicant spoke with a former Beacon Immigration Associate, who worked for CWLG. CWLG provided Applicant with his client file from Beacon Immigration and told him that he would represent him for $1,000. Applicant did not have the money, as he had already paid Jakeman for representation. Applicant attended his immigration hearing and handled the remainder of his case Pro Se, because he couldn't afford new counsel.

The Board approved a gift of $5,500.

APPLICANT: 21-105 – Decision: $6,000

In February 2019, Applicant hired Jakeman to represent him in an immigration matter, paying a total of $8,000 for a petition for a court bond, removal proceedings, and a U-Visa. Jakeman

performed some work of value, but he did not complete Applicant's case prior to his office closure. In October 2020, Applicant learned of Beacon Immigration's closure. He was contacted by an Associate at Clearwater Law Group (CWLG); who is also a former associate of Beacon Immigration. Applicant hired the CWLG to continue his case. According to CWLG, Jakeman completed the bond hearing, but he did not complete the removal proceedings; there was still $6,000 worth of work that remained to be complete when Beacon Immigration closed.

The Board approved a gift of $6,000.

APPLICANT: 22-003 – Decision: $3,200

In March 2016, Applicant hired Jakeman to represent her in an immigration matter, paying a total of $8,000. In October 2020, Jakeman's office closed, leaving Applicant without representation. Jakeman did not complete her case and did not refund the unearned fees. In December 2020, Applicant hired Clearwater Law Group (CWLG), paying $3,000, for asylum representation and to appear in individual hearings for four applicants. The outcome was unfavorable. Applicant hired an attorney to file an appeal with the Board of Immigration Appeals.

The Board approved a gift of $3,200.

APPLICANT: 22-047 – Decision: $1,600

In June 2020, Applicant hired Jakeman to represent her in an immigration matter, paying $1,600. Applicant claims that after she paid Jakeman, he did not perform any work on her case. Applicant hired new counsel, who stated that his office did the consular processing, the portion of an immigrant visa case overseen by the U.S. Department of State after USCIS approves the I-130 Petition. Per new counsel, when he contracts with clients for an entire immigrant visa case, he considers the consular processing to be roughly two-thirds of the representation for the purposes of his flat fee agreement. However, if a client dies or otherwise terminates representation prior to that phase, he considers it only one-third of the fee to have been earned. Therefore, Beacon either never completed any of the consular processing on the Consular Electronic Application Center or they allowed it to expire. The website indicates that the application is incomplete.

The Board approved a gift of $1,600.

LOPEZ, CASSANDRA, #34318 – DECEASED

APPLICANT 22-025 – Decision: $16,000

In February 2020, Applicant hired Lopez to represent him in a criminal matter, paying $20,000. Lopez and other attorneys told Applicant that he would be charged after he had been arrested for probable cause. The case did not move forward. Thereafter, Lopez was campaigning to become a judge. During Lopez's campaign, she told Applicant that she would refer him to new counsel if she was elected. Lopez was elected, however, before she could refer Applicant to new

counsel she passed away. Applicant sought relief from the Fund, as he was unaware that he could seek recourse through Lopez's estate.

The Board approved a gift of $16,000 (Applicant lacked proof of payment for $4,000)

LOWE, AARON, #15120 – SUSPENDED

APPLICANT: 20-030 – Decision: $5,000

In April 2019, Applicant hired Lowe to represent him in real property/land use matter against the City of Cusick (City) paying $5,000. In January 2019, there was a flood of raw sewage on Applicant's property located in the City. Applicant reported the problem to the City and wanted the soil tested to determine if there was any negative impact. After Applicant hired Lowe, he expressed his concerns and how he wanted to have the spill cleaned up and the soil tested to determine the extent of the damage. The two discussed a plan of action for the case. Applicant was confident that Lowe would act on his behalf to resolve the issue. In June or July 2019, there was another sewage spill on Applicant's property, and he notified Lowe right away. An Environmental Health Specialist, responded to Applicant's report of the sewage spill, and tried to facilitate a resolution between Applicant and the City to minimize any public health hazards and to communicate with representatives of the City in addressing the spill. The Specialist also wanted to explore soil testing. Lowe advised Applicant not to allow the Specialist to test the soil without his presence or obtaining an independent test. Lowe told Applicant that he would arrange for the independent testing. Lowe spoke with the Specialist about the soil testing and told the Specialist that he would get back to her. The Specialist never heard from Lowe, so she did not pursue the testing. Lowe did not attend any of the meetings with the City, nor did he arrange for independent soil testing. In October 2019, Applicant requested that Lowe return the unearned fees, with no return response or refund. Applicant settled with the City *Pro Se*.

The Board approved a gift of $5,000.

LYONS, DEBORAH, #15630 – DECEASED

APPLICANT: 21-013 – Decision: $2,500

In July 2019, Applicant hired Lyons to represent him in a dissolution matter, paying $3,000. Lyons passed away in January 2020, before she could perform any work in Applicant's matter. Applicant hired new counsel to complete his case.

The Board approved a gift of $2,500.

MOOTE, PETER, #6098 – RESIGN IN LIEU OF DISCIPLINE

APPLICANT: 21-051 – Decision: $13,555.75

In 2007, Applicant hired Moote to represent him in a Department of Labor and Industry (L&I) claim. In October 2001, Applicant was injured, when he fell from a platform at work. L&I allowed Applicant's workers' compensation claim and paid time-loss compensation through February 2006. In April 2007, L&I closed the claim awarding a total of $20,323.47. The award was sent to Moote. Moote did not inform Applicant of the closing order or the award. Applicant returned to work, however, when his work-related injury worsened, he tried to contact Moote to reopen his claim. Moote never returned a response. In 2011, Applicant hired a new attorney to help him reopen his L&I claim. When the claim was reopened Applicant learned that Moote obtained a L&I settlement, on his behalf, earning the contingent fee of $6,767.72, but never distributed the proceeds of $13,555.75.

The Board approved a gift of $13,555.75.

PIERCE, RODNEY, #5317 – DISABILITY INACTIVE

APPLICANT: 22-048 – Decision: $4,000

In April 2021, Applicant hired Pierce to represent him in a family law matter, paying $4,000. Thereafter, when meeting with Pierce, Applicant noticed that Pierce seemed confused about certain aspects of his case. Applicant had to assist Pierce when as he was unable to even operate his office equipment. Pierce's medical condition caused memory problems. As a result, Pierce believed that he fulfilled his retainer's worth of work, however, there was no work of value performed on the Applicant's matter.

The Board approved a gift of $4,000.

SNYDER, MARA, #43474 – RESIGN IN LIEU OF DISCIPLINE

Applicant: 21-041 – Decision: $1,044.50

In February 2020, Applicant hired Snyder to represent her in a family law matter, paying $2,500. Throughout the representation Snyder performed well. However, in May 2021, Applicant received an email notification that Snyder abandoned her law practice along with an invoice listing the balance left in her trust account. According to Snyder's client ledger there was a trust account balance of $1,044.50 in Applicant's case.

The Board approved a gift of $1,044.50.

Applicant: 21-042 – Decision: $5,300

In January 2021, Applicant hired Snyder to represent her in a family law matter paying $5,000, and a non-refundable consultation fee of $300. Months later, Applicant found that Snyder had not filed her case. On March 6, 2021, Applicant learned of Snyder's office closure. She tried to contact Snyder and found that her phone was disconnected, and her website was down. According to Snyder's client ledger there was a trust account balance of $4,674.85 in Applicant's case. Snyder performed no work of value and never refunded the $625.15 unearned fee.

The Board approved a gift of $5,300.

Applicant: 21-043 – Decision: $1,000.70

In July 2019, Applicant hired Snyder to represent him in a dissolution matter, paying $4,824.85. Throughout the representation Snyder performed well. However, on April 11, 2021, Applicant received notification that Snyder abandoned her law practice. According to Snyder's client ledger there was a trust account balance of $1,000.70 in Applicant's case.

The Board approved a gift of $1,000.70.

Applicant: 21-044 – Decision: $3,483

In September 2020, Applicant hired Snyder to represent her in family law matter paying $5,000, and a non-refundable consultation fee of $300. Thereafter, it became difficult for Applicant to contact Snyder. Applicant later learned that Snyder quit her law practice and closed her office. Applicant's divorce case was not complete. On March 25, 2021, Applicant filed a declaration to terminate Snyder from representation. According to Snyder's client ledger, there was a trust account balance of $1,225.50. However, Applicant was not supposed to be charged for a $150 filing fee, as the case was filed prior to Snyder's representation. Applicant never received a billing invoice for $1,808. The last bill Applicant received listed a trust account balance of $3,033.50 and the $150 filing fee.

The Board approved a gift of $3,483.

Applicant: 21-045 – Decision: $946.45

In November 2019, Applicant hired Snyder to represent him in a family law matter paying a total of $7,940.20, and a consultation fee of $300. In June 2020, Snyder filed a modification, paying a $56.00 filing fee. Throughout the course of the representation, Snyder's communication became inconsistent. Snyder missed meetings with opposing counsel which resulted in escalating litigation. Applicant was unclear about what work Snyder performed on his matter because he never received an invoice. According to Snyder's client ledger and final invoice, there was a trust account balance of $946.45 in Applicant's case.

The Board approved a gift of $946.45.

Applicant: 21-046 – Decision: $1,056.50

In June 2018, Applicant hired Snyder to represent her in a family law matter, paying $1,500. In March 2021, Applicant, discovered that Snyder abandoned her practice and did not provide a

refund for service not rendered. According to Snyder's client ledger there was a trust account balance of $1,056.50 in Applicant's case.

The Board approved a gift of $1,056.50.

Applicant: 21-047 – Decision: $3,179.50

In July 2020, Applicant hired Snyder to represent her in a dissolution matter, paying $5,000. In August 2020, Snyder filed Applicant's dissolution petition. However, Snyder subsequently cancelled or completely missed scheduled client meetings with Applicant. Applicant tried to contact Snyder by phone and email, with no return response. Applicant subsequently received a bill for $120.00 for a meeting that Snyder had cancelled. According to Snyder's client ledger there was a trust account balance of $2,879.50 in Applicant's case.

The Board approve a gift of $3,179.50.

Applicant: 21-048 – Decision: $1,800

In March 2020, Applicant hired Snyder to represent her in a family law matter paying $5,000, and a consultation fee of $300. Snyder successfully represented Applicant throughout 2020 by winning her case in December. In January 2021, Snyder requested that Applicant deposit more funds into her trust account, to complete the filing of her parenting plan. On February 10, 2021, Applicant paid $1,800 to maintain a balance in the trust account. On March 13, 2021, Applicant learned of Snyder's office closure. According to Snyder's client ledger there was a trust account balance of $1,800 in Applicant's case.

The Board approved a gift of $1,800.

Applicant: 21-049 – Decision: $1,739.85

In May 2019, Applicant hired Snyder to represent him in a family law matter, paying $5,000. Throughout the representation Applicant states that Snyder represented him well. However, on February 25, 2021, Snyder failed to attend a meeting she had scheduled with Applicant. Applicant attempted to contact Snyder with no return response. On March 24, 2021, Applicant received an email which informed him of Snyder abandoning her law practice. According to Snyder's client ledger there was a trust account balance of $1,739.85 in Applicant's case.

The Board approved a gift of $1,739.85.

Applicant: 22-000 – Decision: $1,631.35

In July 2020, Applicant hired Snyder to represent her in a family law matter, paying $5,000. On February 17, 2021, Applicant received an invoice from Pacific Coast Family Law with a trust account balance of $1,631.35. Applicant called, emailed, and left voicemails; Snyder did not respond. Snyder's voicemail was full, and her work cellphone was disconnected. Applicant contacted the Whatcom County Clerk's office inquiring about Snyder's status. Applicant was informed that Snyder had closed her practice. Although Snyder's Client Ledger lists a balance of

$1,424.85, Applicant maintains that the correct balance is $1,631.35, as there had been no further activity in her case after receiving the trust account statement. Snyder left Applicant's dissolution matter incomplete.

The Board approved a gift of $1,631.35.

Applicant: 22-005 – Decision: $5,300

In February 2021, Applicant hired Snyder to represent her in family law matter paying $5,000, and a consultation fee of $300. Thereafter, Snyder emailed Applicant financial documents for her to complete and return. Applicant completed the documents and mailed them back to Snyder's office. A week later Applicant called Snyder's office with no return response. Applicant never heard from Snyder again. Snyder's voicemail was full and later was disconnected. Emails became undeliverable. Applicant later learned of Snyder's office closure. According to Snyder's client ledger there was a trust account balance of $4,850 in Applicant's case. However, Applicant states that Snyder claims to have created a file for $150, but she never performed any work.

The Board approved a gift of $5,300.

Applicant: 22-006 – Decision: $8,598.50

In January 2019, Applicant hired Snyder to represent her in a dissolution matter, paying $5,000. On November 4, 2019, in a meeting after the show cause hearing, Applicant paid Snyder an additional $7,000 for trial. Snyder expected that the trial would be held in February 2020. Due to the pandemic, the trial was postponed as the tribal court was closed. In March 2021, Applicant received a letter and final invoice, informing her of Snyder's office closure. According to Applicant's final invoice, the balance left in Snyder's trust account was $6,312. Applicant maintains that the correct balance is $8,598.50, as little work of value was performed, after the payment she made of $7,000 on November 4, 2019.

The Board approved a gift of $8,598.50.

SPENCER, MERWIN, #41162 – DISBARRED

APPLICANT: 21-106 – Decision: $12,850

In Fall 2019, Applicant hired Spencer to represent him in a criminal matter, paying a down payment of $8,050. Spencer did not deposit the funds into a trust account and Spencer did not have Applicant sign a fee agreement. On November 15, 2019, Spencer filed a Notice of Appearance. Spencer met with Applicant once to discuss the case, attended the arraignment on November 15, 2019, and an omnibus hearing on January 10, 2020. Thereafter, Spencer performed no further work. On February 29, 2020, Applicant was arrested on a federal warrant and subsequently charged in federal court with possession and intent to distribute. On March 2, 2020, a federal public defender was appointed to represent Applicant and his state charges were added to the federal charges. Applicant asked Spencer to continue to represent him on the federal charges. Spencer agreed at an additional charge of $17,000. Applicant made a down

payment of $11,800, and Spencer did not have Applicant sign a fee agreement. Spencer did not deposit the funds into a trust account. Prior to filing a notice of appearance in Applicant's federal case, Spencer realized there was a conflict of interest and that he could not represent Applicant. Applicant requested that Spencer return the $19,850 he had paid Spencer. Spencer only returned $7,000. Applicant hired new counsel who wrote to Spencer requesting the return of the unearned fees. Spencer did not refund the fees.

The Board approved gift of $12,850.

WADE, ROBERT, #33679 – DISABILITY INACTIVE

Applicant: 20-034 – Decision: $2,000

In October 2013, Applicant hired Wade to represent him in a landlord/tenant matter, paying $2,000 cash. Applicant suffered personal and property damage due to mold in a rental property. Throughout the course of Wade's representation, Applicant noticed Wade's inability to diligently represent him because he appeared to be inebriated and unfocused. Wade appeared late or missed scheduled meetings, prepared documents erroneously, and made misrepresentations about work he performed. Wade missed filing deadlines, resulting in continuation of court dates. He failed to appear in court, resulting in harm to Applicant's case, including sanctions. In September 2014, Wade became unreachable, and Applicant terminated representation. Applicant requested a refund of the $2,000 unearned fee and his client file, which he never received. According to the King County Superior Court records, Wade conducted the initial filing of the case, thereafter, the documents listed were from the opposing party.

The Board approved gift of $2,000.

WARREN, HENRY, #30360 – RESIGN IN LIEU OF DISCIPLINE

Applicant: 23-015 – Decision: $61,575.08

In June 2019, Applicant hired Warren to represent him in a dissolution matter. Warren agreed to accept payment from the proceeds of the sale of Applicant's marital residence. During his dissolution, Applicant was incarcerated on an unrelated matter. In June 2019, the court ordered the proceeds from the sale of Applicant's marital home be deposited into the trust account of opposing counsel. In July 2019, Warren received a $5,000 check as partial distribution of the sale. Warren told Applicant about the check and that it would be deposited into a trust account. However, instead of depositing the check into a trust account, Warren requested that opposing counsel re-issue a check made into his name, and subsequently converted the funds for his own use. In October 2019, Warren received a check from opposing counsel for $67,666.34 made out to Applicant. This was the final distribution of the sale. Warren told Applicant about the check and that it would go into a trust account. Warren never deposited the check into a trust account.

In an invoice dated October 25, 2019, Warren charged Applicant $9,250 in legal fees, $659.50 in costs incurred in the dissolution matter, and deducted the $5,000, leaving a balance of $4,909.50. Warren later agreed to give Applicant a 15% discount on the legal fees. Warren told Applicant that he would deposit the check into a bank account under Schuetz's name and make expenditures on behalf of Applicant, due to his incarceration. Thereafter, Warren never deposited the funds into a trust account. Applicant began requesting an accounting of the funds. In February 2020, Warren requested that opposing counsel re-issue the $67,666.34 check into his name. Warren opened a bank account in his own name and between February 2020 and February 2021, withdrew the funds and closed the account. After many failed attempts to get accounting of his funds, Applicant filed a WSBA grievance.

The Board approved gift of $61,575.08

WEBER, MATTHEW, #31308 – DECEASED

APPLICANT: 22-016 – Decision: $5,000

In March 2019, Applicant hired Weber to represent her in an immigration matter, paying $5,000. Weber performed little to no work of value prior to his death on January 12, 2022. According to the EOIR Automated Case Information system, approximately 1,465 days lapsed since Applicant filed her application. The application was filed in October 2018, prior to Weber's representation.

The Board approved gift of $5,000.

APPLICANT: 22-020 – Decision: $8,000

In January 2020, Applicant hired Weber to represent her in an immigration matter, paying $8,000. Weber performed little to no work of value prior to his death on January 12, 2022. In April 2022, Applicant received a letter informing her of Weber's death and to arrange to pick up her client file. According to the EOIR Automated Case Information system, this case has no clock. An asylum application was never filed, the case is currently pending, and her next hearing date is set for January 20, 2023.

The Board approved gift of $8,000

APPENDIX – Fund Balance Sheet

Statement of Financial Position

ASSETS	Audited As of September 30, 2023
Checking Account	$384,022
Accrued Interest Receivable	25,778
Money Market	2,090,028
Investments	2,495,088
Money Market	112,142
TOTAL ASSETS	**$5,107,058**
LIABILITIES AND NET ASSETS	
Approved gifts to injured clients payable	449,469
Liability to WSBA general fund	144,190
Net Assets	4,513,398
TOTAL LIABILITIES AND NET ASSETS	**$5,107,058**

Statement of Activities

REVENUE	Audited As of September 30, 2023
Restitution	9,177
Member Assessment	715,570
Interest	245,788
TOTAL REVENUE	**$970,535**
EXPENSES	
Misc.	2,705
Gifts to Injured Clients	342,424
CPF Board	1,125
Staff Membership Dues	200
Indirect (overhead)	174,184
TOTAL EXPENSE	**$520,638**
Net Income (Expense)	449,897

Statement of Changes in Net Assets

Balance on September 30, 2022	4,063,501
Net Income as of September 30, 2023	449,897
Balance on September 30, 2023	**$4,513,398**

WASHINGTON STATE
BAR ASSOCIATION

Financial Reports

(Unaudited)

Year to Date February 29, 2024

Prepared by
Maggie Yu, Controller

Submitted by
Tiffany Lynch, Director of Finance
March 25th, 2024

Washington State Bar Association Financial Summary
Compared to Fiscal Year 2024 Budget
For the Period from February 1, 2024 to February 29, 2024

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	100,852	242,764	16,693	94,100	117,544	336,864	(117,544)	(336,864)
Admissions/Bar Exam	649,465	1,300,740	376,697	912,180	91,372	449,245	468,069	1,361,425	181,396	(60,685)
Advancement FTE		-	153,837	359,957	1,282	8,424	155,119	368,381	(155,119)	(368,381)
Bar News	234,221	610,100	144,030	343,204	150,240	364,960	294,270	708,164	(60,050)	(98,064)
Board of Governors	-	-	59,986	180,310	55,552	385,800	115,538	566,110	(115,538)	(566,110)
Character & Fitness Board	-	-	60,859	139,249	-	33,000	60,859	172,249	(60,859)	(172,249)
Communications Strategies	921	500	265,069	691,453	10,346	134,015	275,415	825,468	(274,494)	(824,968)
Communications Strategies FTE		-	103,835	249,385	-	-	103,835	249,385	(103,835)	(249,385)
Discipline	27,334	119,000	2,457,095	6,095,389	68,647	218,700	2,525,742	6,314,089	(2,498,408)	(6,195,089)
Diversity	130,000	135,000	106,139	359,183	18,341	117,700	124,480	476,883	5,520	(341,883)
Finance	345,039	400,000	477,730	1,135,942	3,508	2,640	481,238	1,138,582	(136,200)	(738,582)
Foundation	-	-	69,767	150,558	4,397	10,650	74,165	161,208	(74,165)	(161,208)
Human Resources	-	-	264,237	470,254	-	-	264,237	470,254	(264,237)	(470,254)
Law Clerk Program	159,601	207,200	69,439	164,394	3,069	19,735	72,508	184,130	87,093	23,070
Legislative	-	-	105,618	255,565	10,343	25,735	115,961	281,300	(115,961)	(281,300)
Legal Lunchbox	30,364	29,000	21,397	44,021	1,103	7,675	22,499	51,696	7,865	(22,696)
Licensing and Membership Records	241,994	450,900	269,899	653,019	6,667	32,777	276,566	685,796	(34,571)	(234,896)
Licensing Fees	7,156,978	17,320,499	-	-	-	-	0	-	7,156,978	17,320,499
Limited License Legal Technician	6,756	20,712	33,521	77,600	-	14,240	33,521	91,840	(26,766)	(71,128)
Limited Practice Officers	83,170	202,000	46,332	107,357	7,948	24,625	54,280	131,982	28,890	70,018
Mandatory CLE	756,272	1,113,800	347,911	775,905	48,912	139,999	396,823	915,904	359,450	197,896
Member Wellness Program	7,000	7,500	99,311	230,294	592	3,612	99,903	233,906	(92,903)	(226,406)
Member Services & Engagement	4,086	10,800	124,475	296,376	551	94,395	125,025	390,771	(120,940)	(379,971)
Mini CLE	-	-	48,062	110,349	-	-	48,062	110,349	(48,062)	(110,349)
New Member Education	98,102	67,000	43,679	97,387	-	1,750	43,679	99,137	54,423	(32,137)
Office of General Counsel	4	-	406,521	1,052,227	1,772	25,824	408,293	1,078,051	(408,288)	(1,078,051)
Office of the Executive Director	-	-	290,728	702,639	14,362	114,622	305,090	817,261	(305,090)	(817,261)
OGC-Disciplinary Board	-	-	92,265	217,741	36,665	98,000	128,930	315,741	(128,930)	(315,741)
Practice of Law Board	-	-	35,194	76,560	1,157	12,000	36,352	88,560	(36,352)	(88,560)
Practice Management Assistance	33,870	62,000	56,850	137,538	84,042	75,760	140,892	213,298	(107,022)	(151,298)
Professional Responsibility Program	-	-	97,312	236,590	805	3,000	98,117	239,590	(98,117)	(239,590)
Public Service Programs	130,000	130,000	85,724	230,480	25,207	297,409	110,931	527,889	19,069	(397,889)
Publication and Design Services	-	-	50,972	119,085	4,840	4,300	55,812	123,385	(55,812)	(123,385)
Regulatory Services FTE			213,756	520,795	1,792	20,150	215,548	540,945	(215,548)	(540,945)
Sections Administration	355,983	297,786	123,845	297,439	25	3,050	123,869	300,489	232,114	(2,703)
Service Center	-	-	305,611	729,058	990	4,560	306,601	733,618	(306,601)	(733,618)
Volunteer Engagement	-	-	41,412	96,192	3,935	17,800	45,347	113,991.59	(45,347)	(113,992)
Technology	-	-	909,561	2,094,122	-	-	909,561	2,094,122	(909,561)	(2,094,122)
Subtotal General Fund	**10,451,160**	22,484,537	**8,559,528**	**20,652,560**	**675,154**	2,860,252	**9,234,682**	23,512,812	**1,216,478**	**(1,028,275)**
Expenses using reserve funds									-	-
Total General Fund - Net Result from Operations									**1,216,478**	**(1,028,275)**
Percentage of Budget	**46%**		**41%**		**24%**		**39%**			
CLE-Seminars and Products	974,533	1,605,300	437,307	1,008,971	52,339	295,117	489,646	1,304,088	484,886	301,212
CLE - Deskbooks	32,825	136,500	106,861	253,996	2,208	26,375	109,068	280,371	(76,243)	(143,871)
Total CLE	1,007,358	1,741,800	544,167	1,262,967	54,547	321,492	598,714	1,584,459	408,644	157,341
Percentage of Budget	**58%**		**43%**		**17%**		**38%**			
Total All Sections	564,756	688,964	-	-	435,079	1,017,566	435,079	1,017,566	129,677	(328,603)
Client Protection Fund-Restricted	652,010	595,930	78,308	183,430	182	505,200	78,490	688,630	573,520	(92,700)
Totals	**12,675,284**	**25,511,231**	**9,182,003**	**22,098,957**	**1,164,961**	**4,704,510**	**10,346,965**	**26,803,468**	**2,328,319**	**(1,292,237)**
Percentage of Budget	**50%**		**42%**		**25%**		**39%**			

Summary of Fund Balances:	Fund Balances Sept. 30, 2023	2024 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,513,398	4,420,698	5,086,918
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	1,177,163	1,334,504	1,585,807
Section Funds	1,970,404	1,641,801	2,100,081
Board-Designated Funds (General Fund):			
Operating Reserve Fund	2,000,000	2,000,000	2,000,000
Facilities Reserve Fund	2,700,000	2,700,000	2,700,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	5,149,490	4,121,215	6,365,968
Total General Fund Balance	**9,849,490**	**8,821,215**	**11,065,968**
Net Change in Total General Fund Balance		**(1,028,275)**	**1,216,478**
Total Fund Balance	**17,510,455**	**16,218,218**	**19,838,774**
Net Change In Fund Balance		**(1,292,237)**	**2,328,319**

Washington State Bar Association
Analysis of Cash Investments
As of February 29, 2024

Checking & Savings Accounts

General Fund

Checking

Bank	Account	Amount
Wells Fargo	General	1,154,676
	Total	

Investments	Rate (yield)	Amount
Wells Fargo Money Market	5.43%	11,474,960
UBS Financial Money Market	4.52%	879,385
Morgan Stanley Money Market	5.35%	2,883,688
Merrill Lynch Money Market	4.70%	1,159,325
CDs/Treasuries	see list	11,155,326
	General Fund Total	**28,707,360**

Client Protection Fund

Checking

Bank	Amount
Wells Fargo	433,057

Investments	Rate (yield)	Amount
Wells Fargo Money Market	5.43%	2,338,316
Morgan Stanley Money Market	4.94%	114,514
CDs/Treasuries	see list	2,493,847
	Client Protection Fund Total	**5,379,734**

Grand Total Cash & Investments	**34,087,095**

Washington State Bar Association
Analysis of Cash Investments
As of February 29, 2024

General Fund

Bank	Yield	Term Months	Trade Date	Settle Date	Maturity Date	Amount
From WF						
Encore Bank CD	5.35%	9	5/30/2023	6/7/2023	3/7/2024	250,000
Customers Bank CD	5.20%	12	3/28/2023	3/30/2023	3/28/2024	250,000
Truist Bank CD	5.25%	12	5/30/2023	6/2/2023	5/31/2024	250,000
US Treasury Bill	5.25%	11	7/11/2023	7/13/2023	6/13/2024	238,368
US Treasury Bill	5.10%	6	1/4/2024	1/5/2024	7/5/2024	243,816
US Treasury Bill	5.00%	6	1/16/2024	1/17/2024	7/8/2024	244,324
Texas Capital Bank CD	5.25%	12	8/9/2023	8/16/2023	8/15/2024	250,000
ESSA Bank & Trust PA CD	5.25%	12	8/9/2023	8/22/2023	8/21/2024	250,000
Bank of America CD	5.30%	12	8/25/2023	8/30/2023	8/29/2024	250,000
Stearns Bank NA	5.10%	7	2/21/2024	2/27/2024	9/27/2024	250,000
Leader Bank CD	4.90%	9	12/21/2023	12/29/2023	9/30/2024	250,000
US Bank NA CD	5.00%	9	12/21/2023	1/4/2024	10/4/2024	250,000
BMO bank NA CD	5.45%	12	10/4/2023	10/11/2023	10/11/2024	250,000
Bank of Hope CD	4.65%	9	1/4/2024	1/12/2024	10/15/2024	250,000
Bank of India CD	4.70%	9	1/10/2024	1/18/2024	10/16/2024	250,000
Independent bank CD	4.85%	9	1/10/2024	1/19/2024	10/18/2024	250,000
First Central Saving CD	4.75%	9	1/10/2024	1/19/2024	10/19/2024	250,000
Premier Bank Diubuque CD	4.85%	9	1/16/2024	1/23/2024	10/23/2024	250,000
Bank of Houston CD	4.70%	9	1/10/2024	1/26/2024	10/25/2024	250,000
AvidBank CD	4.90%	9	1/16/2024	1/25/2024	10/25/2024	250,000
Promiseone Bank CD	4.90%	9	2/12/2024	2/23/2024	11/25/2024	250,000
Banc of California Inc CD	5.15%	9	2/21/2024	2/28/2024	11/29/2024	250,000
Barrington BK & TR CO CD	5.15%	9	2/21/2024	2/29/2024	11/29/2024	250,000
Regions Bank CD	4.85%	12	12/15/2023	12/22/2023	12/20/2024	250,000
WebBank CD	4.80%	12	1/4/2024	1/8/2024	1/7/2025	250,000
American COML BK CD	4.60%	12	1/4/2024	1/17/2024	1/16/2025	250,000
Northern Bank & Trust CD	4.80%	12	1/10/2024	1/17/2024	1/16/2025	250,000
Live Oak Banking CD	4.70%	12	1/4/2024	1/17/2024	1/17/2025	250,000
US Treasury Bill	4.80%	12	2/12/2024	2/13/2024	1/23/2025	239,063
Bank of Utah CD	4.70%	12	1/12/2024	1/26/2024	1/24/2025	250,000
Open Bank CD	4.75%	12	1/12/2024	1/26/2024	1/24/2025	250,000
Northeast Bank CD	4.90%	13	2/12/2024	2/14/2024	2/23/2025	250,000
					Total from WF	***7,965,572***
From ML						
TBK bank CD	5.25%	9	6/6/2023	6/12/2023	3/11/2024	240,000
Synchrony bank CD	5.35%	6	9/12/2023	9/15/2023	3/15/2024	243,000
Banner bank CD	5.25%	12	6/6/2023	6/12/2023	6/11/2024	237,000
PNC bank, national association CD	5.35%	9	9/14/2023	9/20/2023	6/20/2024	240,000
US Treasury Bill	5.18%	6	1/16/2024	1/18/2024	7/18/2024	487,424
Bank hapoalim B.M CD	5.20%	18	6/6/2023	6/12/2023	12/9/2024	243,000
					Total from ML	**1,690,424**
From MS						
Goldman Sacks Bank USA New York Bond	5.27%	6	9/28/2023	10/5/2023	4/5/2024	250,000
Wells Fargo CD	5.36.%	12	9/25/2023	9/26/2023	9/9/2024	249,330
Fulton Bank NA Lancaster PA CD	5.20%	10	2/23/2024	2/23/2024	12/6/2024	250,000
BankUnited NATL CD	5.20%	10	2/27/2024	2/27/2024	12/9/2024	250,000
Renasant BK CD	5.15%	10	2/27/2024	2/27/2024	12/9/2024	250,000
					Total from MS	**1,249,330**
From UBS						
US Treasury Bill	4.50%		12/20/2023	12/21/2023	11/30/2024	250,000
					Total from UBS	**250,000**
					Total	**11,155,326**

Washington State Bar Association
Analysis of Cash Investments
As of February 29, 2024

Client Fund Protection Fund

Bank	Yield	Term Months	Trade Date	Settle Date	Maturity Date	Amount
Western Alliance Bank CD	5.00%	12	3/1/2023	3/9/2023	3/8/2024	250,000
US Treasury Bill	5.10%	6	1/11/2024	1/12/2024	7/11/2024	243,847
FHLB (Federal Home Loan Bank)	5.50%	11	10/11/2023	10/12/2023	8/26/2024	250,000
DMB community bank CD	5.30%	12	9/11/2023	9/25/2023	9/24/2024	250,000
Everbank CD	5.45%	12	9/25/2023	9/29/2023	9/27/2024	250,000
Citibank CD	5.50%	12	9/25/2023	9/29/2023	9/27/2024	250,000
Triad Business Bank CD	4.80%	9	1/11/2024	1/24/2024	10/24/2024	250,000
FlagStar Bank NA CD	5.00%	10	1/12/2024	1/19/2024	11/19/2024	250,000
Charles Schwab Bank CD	5.10%	12	12/4/2023	12/8/2023	12/10/2024	250,000
Fifth Third Bank CD	4.70%	12	1/11/2024	1/16/2024	1/15/2025	250,000
					Total	**2,493,847**

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Terra Nevitt, Executive Director; Tiffany Lynch, Director of Finance; Maggie Yu, Controller

Re: Key Financial Benchmarks for the Preliminary Fiscal Year to Date (YTD) through February 29, 2024
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year $ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	**42%**	**42%**	**($9,614)**	**41%**	**Unfavorable to budget due to seasonal licensing temp cost and medical coverage budgeting correction**
Other Indirect Expenses*	**42%**	**41%**	**$35,510**	**40%**	**Favorable to budget due to timing of possible payments for items such as legal fees, translation services and accommodations fund expenses.**
Total Indirect Expenses	**42%**	**42%**	**$25,896**	**41%**	**Favorable to budget resulting from other indirect expense savings described above.**
General Fund Revenues	**42%**	**46%**	**$1,082,603**	**45%**	**Favorable to budget from higher interest income, new member product sales, pro hac vice fees, and timing of collection for donations, bar exam, law clerk and MCLE fees.**
General Fund Indirect Expenses	**42%**	**41%**	**$45,705**	**41%**	**Favorable to budget as described for indirect expenses above.**
General Fund Direct Expenses	**42%**	**24%**	**$516,618**	**23%**	**Favorable to budget due to timing of program activities and meetings/events.**
General Fund Net	**42%**	**118%**	**$1,644,926**	**227%**	**Favorable to budget for the reasons described above.**
CLE Revenue	**42%**	**58%**	**$281,608**	**45%**	**Favorable to budget due to increased product sales.**
CLE Direct Expenses	**42%**	**17%**	**$79,408**	**14%**	**Favorable to budget due to timing of expenses for seminar activities.**
CLE Indirect Expenses	**42%**	**43%**	**($17,931)**	**40%**	**Unfavorable to budget due to medical coverage budget correction.**
CLE Net	**42%**	**260%**	**$343,085**	**128%**	**Favorable to budget primarily due to increased product sales.**

*Workplace benefits, Human Resources, meeting support, rent, taxes, furniture & maintenance, office supplies, depreciation, insurance, equipment, professional fees (legal & audit), internet & telephone, postage, storage, bank fees, Technology

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LICENSE FEES						
REVENUE:						
LICENSE FEES	17,320,499	1,795,700	7,156,978	10,163,521	41%	(59,897)
TOTAL REVENUE:	**17,320,499**	**1,795,700**	**7,156,978**	**10,163,521**	**41%**	**(59,897)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

ADVANCEMENT FTE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF CONFERENCE & TRAINING	8,424	1,282	1,282	7,142	15%	2,228
TOTAL DIRECT EXPENSES:	**8,424**	**1,282**	**1,282**	**7,142**	**15%**	**2,228**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.89 FTE)	244,054	20,031	102,448	141,606	42%	(759)
BENEFITS EXPENSE	58,985	5,775	28,101	30,884	48%	(3,524)
OTHER INDIRECT EXPENSE	56,918	5,747	23,288	33,630	41%	428
TOTAL INDIRECT EXPENSES:	**359,957**	**31,554**	**153,837**	**206,120**	**43%**	**(3,855)**
TOTAL ALL EXPENSES:	**368,381**	**32,836**	**155,119**	**213,262**	**42%**	**(1,627)**
NET INCOME (LOSS):	**(368,381)**	**(32,836)**	**(155,119)**	**(213,262)**	**42%**	**(1,627)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

ADMISSIONS

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
EXAM SOFTWARE REVENUE	27,500	-	-	27,500	0%	(11,458)
BAR EXAM FEES	1,215,000	194,860	631,155	583,845	52%	124,905
RULE 9/LEGAL INTERN FEES	12,000	450	2,950	9,050	25%	(2,050)
SPECIAL ADMISSIONS	46,240	4,235	15,360	30,880	33%	(3,907)
TOTAL REVENUE:	**1,300,740**	**199,545**	**649,465**	**651,275**	**50%**	**107,490**
DIRECT EXPENSES:						
POSTAGE	1,000	327	1,086	(86)	109%	(669)
STAFF TRAVEL/PARKING	20,000	1,139	1,139	18,861	6%	7,194
STAFF MEMBERSHIP DUES	400	305	305	95	76%	(138)
SUPPLIES	1,500	-	-	1,500	0%	625
FACILITY, PARKING, FOOD	94,000	51,758	42,791	51,209	46%	(3,624)
EXAMINER FEES	34,000	14,000	14,000	20,000	41%	167
UBE EXMINATIONS	113,000	-	-	113,000	0%	47,083
BOARD OF BAR EXAMINERS	39,000	-	-	39,000	0%	16,250
BAR EXAM PROCTORS	21,000	-	-	21,000	0%	8,750
DISABILITY ACCOMMODATIONS	55,967	2,600	2,600	53,367	5%	20,720
CHARACTER & FITNESS INVESTIGATIONS	1,000	-	-	1,000	0%	417
LAW SCHOOL VISITS	1,700	-	372	1,328	22%	336
DEPRECIATION-SOFTWARE	11,038	411	8,234	2,804	75%	(3,635)
SOFTWARE HOSTING	41,140	3,697	17,856	23,284	43%	(714)
EQUIPMENT, HARDWARE & SOFTWARE	1,000	-	-	1,000	0%	417
STAFF CONFERENCE & TRAINING	13,500	-	2,989	10,511	22%	2,636
TOTAL DIRECT EXPENSES:	**449,245**	**74,236**	**91,372**	**357,873**	**20%**	**95,813**
INDIRECT EXPENSES:						
SALARY EXPENSE (6.75 FTE)	522,057	44,217	224,468	297,590	43%	(6,944)
BENEFITS EXPENSE	186,844	13,079	69,212	117,633	37%	8,640
OTHER INDIRECT EXPENSE	203,278	20,489	83,018	120,260	41%	1,681
TOTAL INDIRECT EXPENSES:	**912,180**	**77,785**	**376,697**	**535,483**	**41%**	**3,378**
TOTAL ALL EXPENSES:	**1,361,425**	**152,021**	**468,069**	**893,356**	**34%**	**99,191**
NET INCOME (LOSS):	**(60,685)**	**47,524**	**181,396**	**(242,081)**	**-299%**	**206,681**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ACCESS TO JUSTICE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
ATJ BOARD RETREAT	4,000	-	-	4,000	0%	1,667
LEADERSHIP TRAINING	4,000	-	1,453	2,547	36%	214
ATJ BOARD EXPENSE	65,000	230	8,369	56,631	13%	18,714
STAFF TRAVEL/PARKING	2,800	-	149	2,651	5%	1,017
STAFF CONFERENCE & TRAINING	3,300	-	842	2,458	26%	533
PUBLIC DEFENSE	4,000	-	1,349	2,651	34%	317
CONFERENCE/INSTITUTE EXPENSE	-	-	(135)	135		135
RECEPTION/FORUM EXPENSE	11,000	4,665	4,665	6,335	42%	(82)
TOTAL DIRECT EXPENSES:	**94,100**	**4,895**	**16,693**	**77,407**	**18%**	**22,516**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.64 FTE)	145,500	10,538	60,150	85,350	41%	475
BENEFITS EXPENSE	47,875	3,464	20,614	27,261	43%	(666)
OTHER INDIRECT EXPENSE	49,389	4,958	20,088	29,301	41%	491
TOTAL INDIRECT EXPENSES:	**242,764**	**18,960**	**100,852**	**141,912**	**42%**	**300**
TOTAL ALL EXPENSES:	**336,864**	**23,855**	**117,544**	**219,319**	**35%**	**22,815**
NET INCOME (LOSS):	**(336,864)**	**(23,855)**	**(117,544)**	**(219,319)**	**35%**	**22,815**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BAR NEWS						
REVENUE:						
ROYALTIES	2,500	-	-	2,500	0%	(1,042)
DISPLAY ADVERTISING	400,000	47,371	183,371	216,629	46%	16,705
SUBSCRIPT/SINGLE ISSUES	100	-	72	28	72%	30
CLASSIFIED ADVERTISING	7,500	213	1,042	6,458	14%	(2,083)
JOB TARGET ADVERSTISING	200,000	15,780	49,735	150,265	25%	(33,598)
TOTAL REVENUE:	**610,100**	**63,364**	**234,221**	**375,879**	**38%**	**(19,988)**
DIRECT EXPENSES:						
POSTAGE	110,000	13,474	53,178	56,822	48%	(7,345)
PRINTING, COPYING & MAILING	250,000	23,071	95,716	154,284	38%	8,451
DIGITAL/ONLINE DEVELOPMENT	2,000	21	21	1,979	1%	812
GRAPHICS/ARTWORK	100	-	1,103	(1,003)	1103%	(1,061)
EDITORIAL ADVISORY COMMITTEE	-	-	20	(20)		(20)
STAFF CONFERENCE & TRAINING	2,500	-	-	2,500	0%	1,042
STAFF MEMBERSHIP DUES	135	-	-	135	0%	56
SUBSCRIPTIONS	225	-	203	22	90%	(109)
TOTAL DIRECT EXPENSES:	**364,960**	**36,566**	**150,240**	**214,720**	**41%**	**1,827**
INDIRECT EXPENSES:						
SALARY EXPENSE (2.23 FTE)	213,007	17,863	88,758	124,250	42%	(5)
BENEFITS EXPENSE	63,040	5,669	27,897	35,143	44%	(1,630)
OTHER INDIRECT EXPENSE	67,157	6,757	27,376	39,781	41%	606
TOTAL INDIRECT EXPENSES:	**343,204**	**30,288**	**144,030**	**199,173**	**42%**	**(1,029)**
TOTAL ALL EXPENSES:	**708,164**	**66,854**	**294,270**	**413,893**	**42%**	**798**
NET INCOME (LOSS):	**(98,064)**	**(3,490)**	**(60,050)**	**(38,014)**	**61%**	**(19,190)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BOARD OF GOVERNORS						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
BOG MEETINGS	190,000	1,655	20,745	169,255	11%	58,422
BOG COMMITTEES' EXPENSES	2,500	-	16	2,484	1%	1,025
BOG RETREAT	35,000	718	17,329	17,671	50%	(2,745)
BOG CONFERENCE ATTENDANCE	60,000	2,032	4,299	55,701	7%	20,701
BOG TRAVEL & OUTREACH	22,000	1,140	12,681	9,319	58%	(3,514)
LEADERSHIP TRAINING	20,000	-	-	20,000	0%	8,333
BOG ELECTIONS	26,900	-	-	26,900	0%	11,208
PRESIDENT'S DINNER	15,000	292	482	14,518	3%	5,768
NEW GOVERNOR ORIENTATION	10,000	-	-	10,000	0%	4,167
PRESIDENT'S PHOTO	3,300	-	-	3,300	0%	1,375
LONG RANGE STRATEGIC PLANNING COU	600	-	-	600	0%	250
SUPPLIES	500	-	-	500	0%	208
TOTAL DIRECT EXPENSES:	**385,800**	**5,836**	**55,552**	**330,248**	**14%**	**105,198**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.50 FTE)	104,320	6,528	31,610	72,710	30%	11,857
BENEFITS EXPENSE	30,817	2,010	9,888	20,929	32%	2,952
OTHER INDIRECT EXPENSE	45,173	4,563	18,488	26,685	41%	334
TOTAL INDIRECT EXPENSES:	**180,310**	**13,101**	**59,986**	**120,324**	**33%**	**15,143**
TOTAL ALL EXPENSES:	**566,110**	**18,937**	**115,538**	**450,572**	**20%**	**120,341**
NET INCOME (LOSS):	**(566,110)**	**(18,937)**	**(115,538)**	**(450,572)**	**20%**	**120,341**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

CHARACTER & FITNESS BOARD

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CHARACTER & FITNESS BOARD EXP	18,000	-	-	18,000	0%	7,500
COURT REPORTERS	15,000	-	-	15,000	0%	6,250
TOTAL DIRECT EXPENSES:	**33,000**	**-**	**-**	**33,000**	**0%**	**13,750**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.75 FTE)	93,739	7,776	39,262	54,477	42%	(204)
BENEFITS EXPENSE	22,924	2,494	12,353	10,570	54%	(2,802)
OTHER INDIRECT EXPENSE	22,586	2,281	9,244	13,343	41%	167
TOTAL INDIRECT EXPENSES:	**139,249**	**12,551**	**60,859**	**78,390**	**44%**	**(2,839)**
TOTAL ALL EXPENSES:	**172,249**	**12,551**	**60,859**	**111,390**	**35%**	**10,911**
NET INCOME (LOSS):	**(172,249)**	**(12,551)**	**(60,859)**	**(111,390)**	**35%**	**10,911**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CONTINUING LEGAL EDUCATION (CLE)						
(CLES - CLEP)						
REVENUE:						
SEMINAR REGISTRATIONS	825,000	31,262	283,232	541,768	34%	(60,518)
SEMINAR REVENUE-OTHER	20,000	-	10,552	9,448	53%	2,219
SEMINAR SPLITS W/ CLE	(150,000)	-	-	(150,000)	0%	62,500
SHIPPING & HANDLING	300	18	45	255	15%	(80)
COURSEBOOK SALES	10,000	140	360	9,640	4%	(3,807)
MP3 AND VIDEO SALES	900,000	68,100	680,344	219,656	76%	305,344
TOTAL REVENUE:	**1,605,300**	**99,519**	**974,533**	**630,767**	**61%**	**4,201**
DIRECT EXPENSES:						
COURSEBOOK PRODUCTION	500	-	-	500	0%	208
DEPRECIATION	2,040	170	850	1,190	42%	-
ONLINE EXPENSES	53,000	4,252	20,615	32,385	39%	1,468
ACCREDITATION FEES	3,000	2,214	2,022	978	67%	(772)
EQUIPMENT, HARD.& SOFTWARE **	1,000	-	184	816	18%	233
FACILITIES **	159,500	2,000	24,422	135,078	15%	42,037
DISABILITY ACCOMMODATIONS	7,000	750	1,334	5,666	19%	1,582
SPEAKERS & PROGRAM DEVELOP	45,000	-	2,787	42,213	6%	15,963
HONORARIA	3,000	-	-	3,000	0%	1,250
CLE SEMINAR COMMITTEE	200	-	-	200	0%	83
STAFF TRAVEL/PARKING	15,000	-	89	14,911	1%	6,161
STAFF CONFERENCE & TRAINING	2,777	-	-	2,777	0%	1,157
STAFF MEMBERSHIP DUES	1,000	-	-	1,000	0%	417
SUPPLIES	500	-	-	500	0%	208
COST OF SALES - COURSEBOOKS	1,100	9	24	1,076	2%	435
POSTAGE & DELIVERY-COURSEBOOKS	500	13	13	487	3%	195
TOTAL DIRECT EXPENSES:	**295,117**	**9,407**	**52,339**	**242,778**	**18%**	**70,626**
INDIRECT EXPENSES:						
SALARY EXPENSE (7.89 FTE)	583,378	48,165	246,278	337,099	42%	(3,204)
BENEFITS EXPENSE	187,984	19,652	93,967	94,016	50%	(15,641)
OTHER INDIRECT EXPENSE	237,609	23,955	97,061	140,548	41%	1,943
TOTAL INDIRECT EXPENSES:	**1,008,971**	**91,772**	**437,307**	**571,664**	**43%**	**(16,902)**
TOTAL ALL EXPENSES:	**1,304,088**	**101,179**	**489,646**	**814,441**	**38%**	**53,724**
NET INCOME (LOSS):	**301,212**	**(1,660)**	**484,886**	**(183,674)**	**161%**	**359,381**

**Budget reallocations apply to this line item. For details, see FY24 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

CLIENT PROTECTION FUND

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
CPF RESTITUTION	10,000	800	21,576	(11,576)	216%	17,409
CPF MEMBER ASSESSMENTS	525,930	46,285	519,515	6,415	99%	300,378
INTEREST INCOME	60,000	25,636	110,919	(50,919)	185%	85,919
TOTAL REVENUE:	**595,930**	**72,721**	**652,010**	**(56,080)**	**109%**	**403,706**
DIRECT EXPENSES:						
BANK FEES - WELLS FARGO	3,000	(315)	(1,163)	4,163	-39%	2,413
GIFTS TO INJURED CLIENTS	500,000	-	1,000	499,000	0%	207,333
CPF BOARD EXPENSES	2,000	225	345	1,655	17%	489
STAFF MEMBERSHIP DUES	200	-	-	200	0%	83
TOTAL DIRECT EXPENSES:	**505,200**	**(90)**	**182**	**505,018**	**0%**	**210,318**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.23 FTE)	110,717	9,207	46,486	64,231	42%	(354)
BENEFITS EXPENSE	35,671	3,367	16,711	18,960	47%	(1,848)
OTHER INDIRECT EXPENSE	37,042	3,729	15,110	21,931	41%	324
TOTAL INDIRECT EXPENSES:	**183,430**	**16,303**	**78,308**	**105,122**	**43%**	**(1,879)**
TOTAL ALL EXPENSES:	**688,630**	**16,213**	**78,490**	**610,140**	**11%**	**208,439**
NET INCOME (LOSS):	**(92,700)**	**56,507**	**573,520**	**(666,220)**	**-619%**	**612,145**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
COMMUNICATION STRATEGIES						
REVENUE:						
50 YEAR MEMBER TRIBUTE LUNCH	500	581	921	(421)	184%	713
TOTAL REVENUE:	**500**	**581**	**921**	**(421)**	**184%**	**713**
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	5,895	198	1,827	4,068	31%	630
STAFF MEMBERSHIP DUES	1,120	-	-	1,120	0%	467
SUBSCRIPTIONS	4,000	142	750	3,250	19%	917
APEX DINNER	50,000	-	-	50,000	0%	20,833
50 YEAR MEMBER TRIBUTE LUNCH	30,000	-	-	30,000	0%	12,500
BAR OUTREACH	18,000	-	1,419	16,581	8%	6,081
COMMUNICATIONS OUTREACH	15,000	1,100	2,066	12,934	14%	4,184
EQUIPMENT, HARDWARE & SOFTWARE	2,500	1	1	2,499	0%	1,041
STAFF CONFERENCE & TRAINING	7,500	-	4,283	3,217	57%	(1,158)
TOTAL DIRECT EXPENSES:	**134,015**	**1,441**	**10,346**	**123,669**	**8%**	**45,494**
INDIRECT EXPENSES:						
SALARY EXPENSE (5.20 FTE)	398,702	30,312	149,319	249,383	37%	16,807
BENEFITS EXPENSE	136,152	10,495	51,754	84,398	38%	4,976
OTHER INDIRECT EXPENSE	156,599	15,795	63,996	92,603	41%	1,253
TOTAL INDIRECT EXPENSES:	**691,453**	**56,601**	**265,069**	**426,383**	**38%**	**23,036**
TOTAL ALL EXPENSES:	**825,468**	**58,042**	**275,415**	**550,053**	**33%**	**68,530**
NET INCOME (LOSS):	**(824,968)**	**(57,461)**	**(274,494)**	**(550,474)**	**33%**	**69,243**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

COMMUNICATION STRATEGIES FTE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
INDIRECT EXPENSES:						
SALARY EXPENSE (1.00 FTE)	171,146	14,262	72,010	99,136	42%	(699)
BENEFITS EXPENSE	48,124	3,944	19,559	28,565	41%	493
OTHER INDIRECT EXPENSE	30,115	3,027	12,266	17,849	41%	282
TOTAL INDIRECT EXPENSES:	**249,385**	**21,233**	**103,835**	**145,550**	**42%**	**76**
NET INCOME (LOSS):	**(249,385)**	**(21,233)**	**(103,835)**	**(145,550)**	**42%**	**76**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

DESKBOOKS

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
DESKBOOK SALES	30,000	4,189	4,264	25,736	14%	(8,236)
LEXIS/NEXIS ROYALTIES	75,000	21,829	21,829	53,171	29%	(9,421)
SECTION PUBLICATION SALES	1,500	540	540	960	36%	(85)
FASTCASE ROYALTIES	30,000	2,782	6,192	23,808	21%	(6,308)
TOTAL REVENUE:	**136,500**	**29,340**	**32,825**	**103,675**	**24%**	**(24,050)**
DIRECT EXPENSES:						
COST OF SALES - DESKBOOKS	4,000	1,652	1,652	2,348	41%	14
COST OF SALES - SECTION PUBLICATION	500	318	318	182	64%	(110)
SPLITS TO SECTIONS	300	-	-	300	0%	125
DESKBOOK ROYALTIES	300	43	198	102	66%	(73)
OBSOLETE INVENTORY	21,000	-	-	21,000	0%	8,750
STAFF MEMBERSHIP DUES	225	-	-	225	0%	94
SUBSCRIPTIONS	50	39	39	11	78%	(18)
TOTAL DIRECT EXPENSES:	**26,375**	**2,053**	**2,208**	**24,167**	**8%**	**8,782**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.65 FTE)	155,883	12,990	65,586	90,296	42%	(635)
BENEFITS EXPENSE	48,424	4,225	21,009	27,415	43%	(832)
OTHER INDIRECT EXPENSE	49,690	5,002	20,266	29,425	41%	439
TOTAL INDIRECT EXPENSES:	**253,996**	**22,217**	**106,861**	**147,136**	**42%**	**(1,029)**
TOTAL ALL EXPENSES:	**280,371**	**24,270**	**109,068**	**171,303**	**39%**	**7,753**
NET INCOME (LOSS):	**(143,871)**	**5,070**	**(76,243)**	**(67,628)**	**53%**	**(16,296)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

DISCIPLINE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
AUDIT REVENUE	1,000	85	85	915	9%	(332)
RECOVERY OF DISCIPLINE COSTS	100,000	2,224	19,629	80,371	20%	(22,038)
DISCIPLINE HISTORY SUMMARY	18,000	1,710	7,620	10,380	42%	120
TOTAL REVENUE:	**119,000**	**4,019**	**27,334**	**91,666**	**23%**	**(22,249)**
DIRECT EXPENSES:						
DEPRECIATION-SOFTWARE	45,608	-	-	45,608	0%	19,003
PUBLICATIONS PRODUCTION	300	-	-	300	0%	125
STAFF TRAVEL/PARKING	15,000	396	3,565	11,435	24%	2,685
STAFF MEMBERSHIP DUES	7,365	-	5,743	1,622	78%	(2,674)
TELEPHONE	4,800	281	1,404	3,396	29%	596
COURT REPORTERS	60,000	3,958	23,861	36,139	40%	1,139
OUTSIDE COUNSEL/AIC	1,000	-	250	750	25%	167
LITIGATION EXPENSES	40,000	5,056	17,697	22,303	44%	(1,030)
DISABILITY EXPENSES	9,000	-	1,307	7,693	15%	2,443
TRANSLATION SERVICES	1,000	2,181	3,221	(2,221)	322%	(2,804)
STAFF CONFERENCE & TRAINING	34,627	7,789	11,599	23,027	33%	2,828
MISCELLANEOUS	-	(70)	-	-		-
TOTAL DIRECT EXPENSES:	**218,700**	**19,590**	**68,647**	**150,053**	**31%**	**22,478**
INDIRECT EXPENSES:						
SALARY EXPENSE (38.00 FTE)	3,795,327	308,614	1,534,053	2,261,275	40%	47,334
BENEFITS EXPENSE	1,155,682	92,408	456,046	699,636	39%	25,488
OTHER INDIRECT EXPENSE	1,144,380	115,257	466,996	677,383	41%	9,828
TOTAL INDIRECT EXPENSES:	**6,095,389**	**516,279**	**2,457,095**	**3,638,294**	**40%**	**82,650**
TOTAL ALL EXPENSES:	**6,314,089**	**535,869**	**2,525,742**	**3,788,347**	**40%**	**105,128**
NET INCOME (LOSS):	**(6,195,089)**	**(531,850)**	**(2,498,408)**	**(3,696,681)**	**40%**	**82,879**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

DIVERSITY

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
DONATIONS	135,000	65,000	130,000	5,000	96%	73,750
TOTAL REVENUE:	**135,000**	**65,000**	**130,000**	**5,000**	**96%**	**73,750**
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	1,500	31	204	1,296	14%	421
STAFF MEMBERSHIP DUES	550	-	90	460	16%	139
COMMITTEE FOR DIVERSITY	3,800	-	-	3,800	0%	1,583
DIVERSITY EVENTS & PROJECTS	31,800	167	547	31,253	2%	12,703
SURVEYS	11,500	-	-	11,500	0%	4,792
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	833
CONSULTING SERVICES	66,550	-	17,500	49,050	26%	10,229
TOTAL DIRECT EXPENSE:	**117,700**	**198**	**18,341**	**99,359**	**16%**	**30,701**
INDIRECT EXPENSES:						
SALARY EXPENSE (2.69 FTE)	212,559	10,251	55,476	157,083	26%	33,090
BENEFITS EXPENSE	65,613	2,860	17,598	48,016	27%	9,741
OTHER INDIRECT EXPENSE	81,010	8,161	33,065	47,945	41%	689
TOTAL INDIRECT EXPENSES:	**359,183**	**21,272**	**106,139**	**253,044**	**30%**	**43,521**
TOTAL ALL EXPENSES:	**476,883**	**21,469**	**124,480**	**352,403**	**26%**	**74,222**
NET INCOME (LOSS):	**(341,883)**	**43,531**	**5,520**	**(347,403)**	**-2%**	**147,972**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ETHICS, WELLNESS, & PRACTICE						
(MWP-PMA-PRP)						
REVENUE:						
DIVERSIONS	7,500	2,500	7,000	500	93%	3,875
ROYALTIES	62,000	15,926	33,870	28,130	55%	8,037
TOTAL REVENUE:	**69,500**	**18,426**	**40,870**	**28,630**	**59%**	**11,912**
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	1,350	-	41	1,309	3%	522
MEMBER WELLNESS COUNCIL	1,000	-	-	1,000	0%	417
STAFF TRAVEL/PARKING	2,250	-	419	1,831	19%	519
STAFF CONFERENCE & TRAINING	572	-	-	572	0%	238
SUBSCRIPTIONS	1,200	110	551	649	46%	(51)
CPE COMMITTEE	1,000	-	386	614	39%	31
FASTCASE	75,000	-	84,042	(9,042)	112%	(52,792)
TOTAL DIRECT EXPENSES:	**82,372**	**110**	**85,439**	**(3,067)**	**104%**	**(51,117)**
INDIRECT EXPENSES:						
SALARY EXPENSE (3.53 FTE)	355,322	29,849	149,707	205,615	42%	(1,656)
BENEFITS EXPENSE	142,794	12,218	60,213	82,581	42%	(715)
OTHER INDIRECT EXPENSE	106,307	10,749	43,553	62,754	41%	741
TOTAL INDIRECT EXPENSES:	**604,423**	**52,816**	**253,473**	**350,950**	**42%**	**(1,630)**
TOTAL ALL EXPENSES:	**686,795**	**52,926**	**338,912**	**347,883**	**49%**	**(52,747)**
NET INCOME (LOSS):	**(617,295)**	**(34,500)**	**(298,041)**	**(319,253)**	**48%**	**(40,835)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

FINANCE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
INTEREST INCOME	400,000	83,641	345,039	54,961	86%	178,372
MISCELLANEOUS	-	(502)	-	-		-
TOTAL REVENUE:	**400,000**	**83,139**	**345,039**	**54,961**	**86%**	**178,372**
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	1,500	736	2,632	(1,132)	175%	(2,007)
STAFF CONFERENCE & TRAINING	520	-	263	257	51%	(46)
STAFF MEMBERSHIP DUES	620	-	613	7	99%	(355)
TOTAL DIRECT EXPENSES:	**2,640**	**736**	**3,508**	**(868)**	**133%**	**(2,408)**
INDIRECT EXPENSES:						
SALARY EXPENSE (6.92 FTE)	714,291	62,942	302,568	411,723	42%	(4,946)
BENEFITS EXPENSE	213,253	19,665	90,011	123,242	42%	(1,156)
OTHER INDIRECT EXPENSE	208,398	21,016	85,151	123,247	41%	1,681
TOTAL INDIRECT EXPENSES:	**1,135,942**	**103,622**	**477,730**	**658,212**	**42%**	**(4,421)**
TOTAL ALL EXPENSES:	**1,138,582**	**104,358**	**481,238**	**657,343**	**42%**	**(6,829)**
NET INCOME (LOSS):	**(738,582)**	**(21,219)**	**(136,200)**	**(602,382)**	**18%**	**171,543**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

FOUNDATION

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	3,000	-	3,000	-	100%	(1,750)
PRINTING & COPYING	700	-	422	278	60%	(130)
STAFF TRAVEL/PARKING	900	-	-	900	0%	375
SUPPLIES	150	-	-	150	0%	63
BOARD OF TRUSTEES	3,250	-	299	2,951	9%	1,055
EQUIPMENT/HARDWARE/SOFTWARE	-	219	638	(638)		(638)
POSTAGE	350	-	38	312	11%	107
STAFF CONFERENCE & TRAINING	2,300	-	-	2,300	0%	958
TOTAL DIRECT EXPENSES:	**10,650**	**219**	**4,397**	**6,253**	**41%**	**40**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.05 FTE)	100,026	8,188	41,339	58,687	41%	339
BENEFITS EXPENSE	18,911	3,117	15,452	3,459	82%	(7,572)
OTHER INDIRECT EXPENSE	31,621	3,203	12,977	18,644	41%	198
TOTAL INDIRECT EXPENSES:	**150,558**	**14,507**	**69,767**	**80,790**	**46%**	**(7,035)**
TOTAL ALL EXPENSES:	**161,208**	**14,727**	**74,165**	**87,043**	**46%**	**(6,995)**
NET INCOME (LOSS):	**(161,208)**	**(14,727)**	**(74,165)**	**(87,043)**	**46%**	**(6,995)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

HUMAN RESOURCES

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	700	-	-	700	0%	292
STAFF MEMBERSHIP DUES	1,000	135	867	133	87%	(450)
SUBSCRIPTIONS	1,000	-	1,818	(818)	182%	(1,401)
STAFF TRAINING- GENERAL	12,912	1,494	7,186	5,726	56%	(1,806)
RECRUITING AND ADVERTISING	8,000	265	1,532	6,468	19%	1,802
PAYROLL PROCESSING	50,000	5,278	17,783	32,217	36%	3,051
SALARY SURVEYS	1,500	1,973	1,973	(473)	132%	(1,348)
CONSULTING SERVICES	2,000	-	-	2,000	0%	833
TRANSFER TO INDIRECT EXPENSE	(77,112)	(9,145)	(31,159)	(45,953)	40%	(971)
TOTAL DIRECT EXPENSES:	-	-	-	-		**0**
INDIRECT EXPENSES:						
SALARY EXPENSE (4.00 FTE)	454,865	31,816	159,823	295,042	35%	29,704
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(83,333)
BENEFITS EXPENSE	94,928	11,146	55,173	39,755	58%	(15,620)
OTHER INDIRECT EXPENSE	120,461	12,153	49,242	71,219	41%	950
TOTAL INDIRECT EXPENSES:	**470,254**	**55,116**	**264,237**	**206,016**	**56%**	**(68,298)**
TOTAL ALL EXPENSES:	**470,254**	**55,116**	**264,237**	**206,016**	**56%**	**(68,298)**
NET INCOME (LOSS):	**(470,254)**	**(55,116)**	**(264,237)**	**(206,016)**	**56%**	**(68,298)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LAW CLERK PROGRAM						
REVENUE:						
LAW CLERK FEES	204,000	21,667	157,401	46,599	77%	72,401
LAW CLERK APPLICATION FEES	3,200	500	2,200	1,000	69%	867
TOTAL REVENUE:	**207,200**	**22,167**	**159,601**	**47,599**	**77%**	**73,267**
DIRECT EXPENSES:						
SUBSCRIPTIONS	250	-	-	250	0%	104
DEPRECIATION	4,675	-	-	4,675	0%	1,948
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	42
LAW CLERK BOARD EXPENSE	8,000	709	2,447	5,553	31%	886
STAFF TRAVEL/PARKING	500	-	24	476	5%	184
SOFTWARE HOSTING	1,210	109	525	685	43%	(21)
LAW CLERK OUTREACH	5,000	-	73	4,927	1%	2,011
TOTAL DIRECT EXPENSES:	**19,735**	**818**	**3,069**	**16,666**	**16%**	**5,154**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.23 FTE)	100,677	8,376	41,912	58,764	42%	36
BENEFITS EXPENSE	26,676	2,520	12,416	14,260	47%	(1,301)
OTHER INDIRECT EXPENSE	37,042	3,729	15,110	21,932	41%	324
TOTAL INDIRECT EXPENSES:	**164,394**	**14,625**	**69,439**	**94,956**	**42%**	**(941)**
TOTAL ALL EXPENSES:	**184,130**	**15,443**	**72,508**	**111,622**	**39%**	**4,213**
NET INCOME (LOSS):	**23,070**	**6,724**	**87,093**	**(64,023)**	**378%**	**77,480**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LEGISLATIVE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,500	-	-	2,500	0%	1,042
STAFF MEMBERSHIP DUES	450	-	130	320	29%	58
JUD RECOMMEND COMMITTEE	2,250	-	-	2,250	0%	938
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(1,151)
TELEPHONE	485	48	240	245	50%	(38)
OLYMPIA RENT	1,500	-	-	1,500	0%	625
CONTRACT LOBBYIST	12,500	3,125	6,250	6,250	50%	(1,042)
LEGISLATIVE COMMITTEE	1,250	-	2	1,248	0%	519
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	125
STAFF CONFERENCE & TRAINING	2,500	-	1,736	764	69%	(695)
TOTAL DIRECT EXPENSES:	**25,735**	**3,173**	**10,343**	**15,392**	**40%**	**380**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.70 FTE)	152,783	12,561	63,426	89,357	42%	234
BENEFITS EXPENSE	51,586	4,257	21,216	30,370	41%	279
OTHER INDIRECT EXPENSE	51,196	5,177	20,977	30,219	41%	355
TOTAL INDIRECT EXPENSES:	**255,565**	**21,996**	**105,618**	**149,947**	**41%**	**867**
TOTAL ALL EXPENSES:	**281,300**	**25,169**	**115,961**	**165,339**	**41%**	**1,247**
NET INCOME (LOSS):	**(281,300)**	**(25,169)**	**(115,961)**	**(165,339)**	**41%**	**1,247**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

LICENSING & MEMBERSHIP RECORDS

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
STATUS CERTIFICATE FEES	27,000	2,625	13,050	13,950	48%	1,800
INVESTIGATION FEES	20,000	1,800	12,100	7,900	61%	3,767
PRO HAC VICE	400,000	43,052	212,980	187,020	53%	46,313
MEMBER CONTACT INFORMATION	3,700	831	3,756	(56)	102%	2,215
PHOTO BAR CARD SALES	200	60	108	92	54%	25
TOTAL REVENUE:	**450,900**	**48,368**	**241,994**	**208,906**	**54%**	**54,119**
DIRECT EXPENSES:						
POSTAGE	17,652	-	102	17,550	1%	7,253
SOFTWARE HOSTING	15,125	1,359	6,565	8,560	43%	(263)
TOTAL DIRECT EXPENSES:	**32,777**	**1,359**	**6,667**	**26,110**	**20%**	**6,990**
INDIRECT EXPENSES:						
SALARY EXPENSE (3.83 FTE)	401,688	34,923	166,789	234,900	42%	581
BENEFITS EXPENSE	135,989	11,622	56,002	79,988	41%	661
OTHER INDIRECT EXPENSE	115,341	11,627	47,109	68,233	41%	950
TOTAL INDIRECT EXPENSES:	**653,019**	**58,172**	**269,899**	**383,120**	**41%**	**2,192**
TOTAL ALL EXPENSES:	**685,796**	**59,531**	**276,566**	**409,231**	**40%**	**9,183**
NET INCOME (LOSS):	**(234,896)**	**(11,163)**	**(34,571)**	**(200,325)**	**15%**	**63,302**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

LIMITED LICENSE LEGAL TECHNICIAN PROGRAM

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
SEMINAR REGISTRATIONS	2,000	-	-	2,000	0%	(833)
LLLT LICENSE FEES	18,562	1,439	6,001	12,561	32%	(1,733)
LLLT LATE LICENSE FEES	-	305	305	(305)		305
MCLE LATE FEES	150	450	450	(300)	300%	388
TOTAL REVENUE:	**20,712**	**2,193**	**6,756**	**13,956**	**33%**	**(1,874)**
DIRECT EXPENSES:						
LLLT BOARD	14,240	-	-	14,240	0%	5,933
TOTAL DIRECT EXPENSES:	**14,240**	**-**	**-**	**14,240**	**0%**	**5,933**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.53 FTE)	51,460	4,231	21,318	30,142	41%	124
BENEFITS EXPENSE	10,179	1,115	5,626	4,553	55%	(1,385)
OTHER INDIRECT EXPENSE	15,961	1,623	6,577	9,384	41%	73
TOTAL INDIRECT EXPENSES:	**77,600**	**6,969**	**33,521**	**44,079**	**43%**	**(1,188)**
TOTAL ALL EXPENSES:	**91,840**	**6,969**	**33,521**	**58,319**	**36%**	**4,745**
NET INCOME (LOSS):	**(71,128)**	**(4,776)**	**(26,766)**	**(44,362)**	**38%**	**2,871**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

LIMITED PRACTICE OFFICERS

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
INVESTIGATION FEES	200	-	400	(200)	200%	317
MCLE LATE FEES	4,000	1,200	2,250	1,750	56%	583
LPO EXAMINATION FEES	25,300	800	14,000	11,300	55%	3,458
LPO LICENSE FEES	170,000	13,565	64,390	105,610	38%	(6,443)
LPO LATE LICENSE FEES	2,500	2,130	2,130	370	85%	1,088
TOTAL REVENUE:	**202,000**	**17,695**	**83,170**	**118,830**	**41%**	**(997)**
DIRECT EXPENSES:						
FACILITY, PARKING, FOOD	6,300	2,245	2,245	4,055	36%	380
EXAM WRITING	9,000	-	4,200	4,800	47%	(450)
LPO BOARD	4,000	-	-	4,000	0%	1,667
LPO OUTREACH	1,000	-	-	1,000	0%	417
OFFICE SUPPLIES	1,000	-	-	1,000	0%	417
PRINTING & COPYING	200	78	78	123	39%	6
SUPPLIES	100	113	113	(13)	113%	(71)
SOFTWARE HOSTING	3,025	272	1,313	1,712	43%	(53)
TOTAL DIRECT EXPENSES:	**24,625**	**2,707**	**7,948**	**16,677**	**32%**	**2,312**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.78 FTE)	69,420	5,696	28,946	40,474	42%	(21)
BENEFITS EXPENSE	14,447	1,570	7,786	6,660	54%	(1,767)
OTHER INDIRECT EXPENSE	23,490	2,369	9,599	13,890	41%	188
TOTAL INDIRECT EXPENSES:	**107,357**	**9,635**	**46,332**	**61,025**	**43%**	**(1,600)**
TOTAL ALL EXPENSES:	**131,982**	**12,342**	**54,280**	**77,702**	**41%**	**712**
NET INCOME (LOSS):	**70,018**	**5,353**	**28,890**	**41,128**	**41%**	**(284)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

MANDATORY CONTINUING LEGAL EDUCATION

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
ACTIVITY APPLICATION FEE	550,000	62,600	306,500	243,500	56%	77,333
ACTIVITY APPLICATION LATE FEE	220,000	22,850	118,700	101,300	54%	27,033
MCLE LATE FEES	190,000	113,775	206,175	(16,175)	109%	127,008
ANNUAL ACCREDITED SPONSOR FEES	36,000	-	36,000	-	100%	21,000
ATTENDANCE LATE FEES	90,000	5,050	65,300	24,700	73%	27,800
COMITY CERTIFICATES	27,800	2,700	23,597	4,203	85%	12,014
TOTAL REVENUE:	**1,113,800**	**206,975**	**756,272**	**357,528**	**68%**	**292,189**
DIRECT EXPENSES:						
DEPRECIATION	130,449	10,736	48,312	82,137	37%	6,042
STAFF MEMBERSHIP DUES	500	-	-	500	0%	208
MCLE BOARD	5,000	-	-	5,000	0%	2,083
STAFF TRAVEL/PARKING	50	-	-	50	0%	21
STAFF CONFERENCE & TRAINING	4,000	600	600	3,400	15%	1,067
TOTAL DIRECT EXPENSES:	**139,999**	**11,336**	**48,912**	**91,087**	**35%**	**9,421**
INDIRECT EXPENSES:						
SALARY EXPENSE (5.88 FTE) **	454,500	46,196	215,842	238,658	47%	(26,467)
BENEFITS EXPENSE	144,327	12,299	59,717	84,611	41%	420
OTHER INDIRECT EXPENSE	177,078	17,857	72,352	104,726	41%	1,431
TOTAL INDIRECT EXPENSES:	**775,905**	**76,351**	**347,911**	**427,994**	**45%**	**(24,617)**
TOTAL ALL EXPENSES:	**915,904**	**87,687**	**396,823**	**519,081**	**43%**	**(15,196)**
NET INCOME (LOSS):	**197,896**	**119,288**	**359,450**	**(161,554)**	**182%**	**276,993**

**Budget reallocations apply to this line item. For details, see FY24 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

MEMBER SERVICES & ENGAGEMENT TEAM

(LLB-MINI-MSE-NME)

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
ROYALTIES	10,800	1,200	4,086	6,714	38%	(414)
NMP PRODUCT SALES	40,000	3,562	88,312	(48,312)	221%	71,645
DIGITAL VIDEO SALES	20,000	637	21,364	(1,364)	107%	13,031
SPONSORSHIPS	9,000	-	9,000	-	100%	5,250
SEMINAR REGISTRATIONS	15,000	5,565	9,790	5,210	65%	3,540
TRIAL ADVOCACY PROGRAM	12,000	-	-	12,000	0%	(5,000)
TOTAL REVENUE:	**106,800**	**10,964**	**132,552**	**(25,752)**	**124%**	**88,052**
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,500	-	-	2,500	0%	1,042
STAFF CONFERENCE & TRAINING	250	-	-	250	0%	104
SMALL TOWN AND RURAL COMMITTEE	5,000	-	-	5,000	0%	2,083
PRINTING & COPYING	1,300	-	-	1,300	0%	542
NEW LAWYER OUTREACH	1,000	-	-	1,000	0%	417
DISABILITY ACCOMMODATIONS	2,000	-	-	2,000	0%	833
HONORARIUM	1,500	-	-	1,500	0%	625
YLL SECTION PROGRAM	1,500	-	-	1,500	0%	625
SMALL TOWN AND RURAL COMMITTEE OUTREACH AND ACTIVITIES	55,000	-	-	55,000	0%	22,917
ON24 OVERAGE CHARGE	4,500	-	1,103	3,398	25%	773
MEMBER ENGAGEMENT COUNCIL	1,000	-	-	1,000	0%	417
WYLC CLE COMPS	1,000	-	-	1,000	0%	417
WYLC OUTREACH EVENTS	1,500	-	-	1,500	0%	625
SPEAKERS & PROGRAM DEVELOP	100	-	-	100	0%	42
WYL COMMITTEE	13,500	-	492	13,008	4%	5,133
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	625
RECEPTION/FORUM EXPENSE	1,000	-	-	1,000	0%	417
INSURANCE REBATE	(425)	-	-	(425)	0%	(177)
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	2,083
STAFF MEMBERSHIP DUES	845	-	-	845	0%	352
LENDING LIBRARY	4,000	11	59	3,941	1%	1,608
NMP SPEAKERS & PROGRAM DEVELOPMENT	250	-	-	250	0%	104
TOTAL DIRECT EXPENSES:	**103,820**	**11**	**1,653**	**102,167**	**2%**	**41,605**
INDIRECT EXPENSES:						
SALARY EXPENSE (4.64 FTE)	322,883	26,571	135,361	187,522	42%	(826)
BENEFITS EXPENSE	89,576	9,108	45,188	44,388	50%	(7,865)
OTHER INDIRECT EXPENSE	139,735	14,084	57,064	82,671	41%	1,159
INSURANCE REBATE	(4,060)	-	-	(4,060)	0%	(1,692)
TOTAL INDIRECT EXPENSES:	**548,134**	**49,763**	**237,612**	**310,522**	**43%**	**(9,223)**
TOTAL ALL EXPENSES:	**651,954**	**49,774**	**239,266**	**412,688**	**37%**	**32,382**
NET INCOME (LOSS):	**(545,154)**	**(38,810)**	**(106,714)**	**(438,440)**	**20%**	**120,433**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF THE EXECUTIVE DIRECTOR						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
LEADERSHIP TRAINING	15,000	-	9,800	5,200	65%	(3,550)
WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0%	33,333
ED TRAVEL & OUTREACH	4,000	1,314	3,110	890	78%	(1,443)
STAFF TRAVEL/PARKING	4,450	198	1,002	3,448	23%	852
STAFF CONFERENCE & TRAINING	9,282	-	450	8,832	5%	3,418
STAFF MEMBERSHIP DUES	1,890	-	-	1,890	0%	788
TOTAL DIRECT EXPENSES:	**114,622**	**1,512**	**14,362**	**100,260**	**13%**	**33,397**
INDIRECT EXPENSES:						
SALARY EXPENSE (2.90 FTE)	491,121	40,091	201,761	289,360	41%	2,873
BENEFITS EXPENSE	124,183	10,746	53,236	70,947	43%	(1,493)
OTHER INDIRECT EXPENSE	87,334	8,819	35,731	51,603	41%	658
TOTAL INDIRECT EXPENSES:	**702,639**	**59,655**	**290,728**	**411,911**	**41%**	**2,038**
TOTAL ALL EXPENSES:	**817,261**	**61,167**	**305,090**	**512,171**	**37%**	**35,435**
NET INCOME (LOSS):	**(817,261)**	**(61,167)**	**(305,090)**	**(512,171)**	**37%**	**35,435**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

OFFICE OF GENERAL COUNSEL

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
COPY FEES	-	-	4	(4)		4
TOTAL REVENUE:	**-**	**-**	**4**	**(4)**		**4**
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	2,868	-	1,450	1,418	51%	(255)
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	417
CUSTODIANSHIPS	5,000	85	125	4,875	2%	1,958
WILLS	2,000	-	-	2,000	0%	833
LITIGATION EXPENSES	200	-	-	200	0%	83
TRANSCRIPTION SERVICES	2,100	-	-	2,100	0%	875
DISABILITY ACCOMMODATIONS	6,000	35	197	5,803	3%	2,303
STAFF CONFERENCE & TRAINING	6,656	-	-	6,656	0%	2,773
TOTAL DIRECT EXPENSES:	**25,824**	**120**	**1,772**	**24,052**	**7%**	**8,988**
INDIRECT EXPENSES:						
SALARY EXPENSE (6.07 FTE)	675,398	57,200	258,780	416,618	38%	22,636
BENEFITS EXPENSE	194,029	16,204	73,078	120,951	38%	7,767
OTHER INDIRECT EXPENSE	182,800	18,427	74,663	108,137	41%	1,504
TOTAL INDIRECT EXPENSES:	**1,052,227**	**91,831**	**406,521**	**645,706**	**39%**	**31,907**
TOTAL ALL EXPENSES:	**1,078,051**	**91,951**	**408,293**	**669,758**	**38%**	**40,895**
NET INCOME (LOSS):	**(1,078,051)**	**(91,951)**	**(408,288)**	**(669,762)**	**38%**	**40,900**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSE:						
STAFF MEMBERSHIP DUES	100	-	-	100	0%	42
DISCIPLINARY BOARD EXPENSES	4,000	-	-	4,000	0%	1,667
CHIEF HEARING OFFICER	40,000	3,333	16,665	23,335	42%	2
COURT REPORTERS	500	-	-	500	0%	208
HEARING OFFICER EXPENSES	4,000	-	-	4,000	0%	1,667
HEARING OFFICER TRAINING	400	-	-	400	0%	167
OUTSIDE COUNSEL	48,000	4,000	20,000	28,000	42%	-
DISCIPLINARY SELECTION PANEL	1,000	-	-	1,000	0%	417
TOTAL DIRECT EXPENSES:	**98,000**	**7,333**	**36,665**	**61,335**	**37%**	**4,168**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.40 FTE)	136,708	11,047	58,016	78,692	42%	(1,055)
BENEFITS EXPENSE	38,872	2,843	17,006	21,866	44%	(809)
OTHER INDIRECT EXPENSE	42,161	4,256	17,243	24,918	41%	324
TOTAL INDIRECT EXPENSES:	**217,741**	**18,146**	**92,265**	**125,476**	**42%**	**(1,540)**
TOTAL ALL EXPENSES:	**315,741**	**25,479**	**128,930**	**186,811**	**41%**	**2,628**
NET INCOME (LOSS):	**(315,741)**	**(25,479)**	**(128,930)**	**(186,811)**	**41%**	**2,628**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

PRACTICE OF LAW BOARD

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
PRACTICE OF LAW BOARD	12,000	-	1,157	10,843	10%	3,843
TOTAL DIRECT EXPENSES:	**12,000**	**-**	**1,157**	**10,843**	**10%**	**3,843**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.55 FTE)	47,419	3,937	19,876	27,543	42%	(118)
BENEFITS EXPENSE	12,578	1,746	8,563	4,015	68%	(3,322)
OTHER INDIRECT EXPENSE	16,563	1,667	6,755	9,808	41%	146
TOTAL INDIRECT EXPENSES:	**76,560**	**7,350**	**35,194**	**41,366**	**46%**	**(3,294)**
TOTAL ALL EXPENSES:	**88,560**	**7,350**	**36,352**	**52,209**	**41%**	**549**
NET INCOME (LOSS):	**(88,560)**	**(7,350)**	**(36,352)**	**(52,209)**	**41%**	**549**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PUBLIC SERVICE PROGRAMS						
REVENUE:						
DONATIONS & GRANTS	130,000	65,000	130,000	-	100%	75,833
TOTAL REVENUE:	**130,000**	**65,000**	**130,000**	**-**	**100%**	**75,833**
DIRECT EXPENSES:						
DONATIONS/SPONSORSHIPS/GRANTS	292,309	-	24,883	267,426	9%	96,913
STAFF TRAVEL/PARKING	500	-	74	426	15%	134
SURVEYS	100	-	-	100	0%	42
PRO BONO & PUBLIC SERVICE COMMITTEE	2,500	-	250	2,250	10%	792
PRO BONO CERTIFICATES	2,000	-	-	2,000	0%	833
TOTAL DIRECT EXPENSES:	**297,409**	**-**	**25,207**	**272,202**	**8%**	**98,714**
INDIRECT EXPENSES:						
SALARY EXPENSE (1.62 FTE)	128,379	9,030	49,683	78,696	39%	3,808
BENEFITS EXPENSE	53,314	2,660	16,131	37,182	30%	6,083
OTHER INDIRECT EXPENSE	48,787	4,914	19,910	28,877	41%	418
TOTAL INDIRECT EXPENSES:	**230,480**	**16,604**	**85,724**	**144,755**	**37%**	**10,309**
TOTAL ALL EXPENSES:	**527,889**	**16,604**	**110,931**	**416,958**	**21%**	**109,023**
NET INCOME (LOSS):	**(397,889)**	**48,396**	**19,069**	**(416,958)**	**-5%**	**184,856**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

PUBLICATION & DESIGN SERVICES

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
SUBSCRIPTIONS	200	8	88	112	44%	(5)
IMAGE LIBRARY	4,100	-	4,752	(652)	116%	(3,043)
TOTAL DIRECT EXPENSES:	**4,300**	**8**	**4,840**	**(540)**	**113%**	**(3,048)**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.89 FTE)	72,960	6,079	30,625	42,335	42%	(225)
BENEFITS EXPENSE	19,323	1,875	9,325	9,998	48%	(1,274)
OTHER INDIRECT EXPENSE	26,803	2,720	11,022	15,781	41%	146
TOTAL INDIRECT EXPENSES:	**119,085**	**10,675**	**50,972**	**68,114**	**43%**	**(1,353)**
TOTAL ALL EXPENSES:	**123,385**	**10,683**	**55,812**	**67,574**	**45%**	**(4,401)**
NET INCOME (LOSS):	**(123,385)**	**(10,683)**	**(55,812)**	**(67,574)**	**45%**	**(4,401)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

REGULATORY SERVICES FTE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	-	-	350	(350)		(350)
STAFF CONFERENCE & TRAINING	19,500	-	1,304	18,196	7%	6,821
STAFF TRAVEL/PARKING	650	35	138	512	21%	133
TOTAL DIRECT EXPENSES:	**20,150**	**35**	**1,792**	**18,358**	**9%**	**6,954**
INDIRECT EXPENSES:						
SALARY EXPENSE (2.60 FTE)	357,120	30,932	140,662	216,458	39%	8,138
BENEFITS EXPENSE	85,375	8,942	41,096	44,279	48%	(5,523)
OTHER INDIRECT EXPENSE	78,300	7,897	31,998	46,301	41%	627
TOTAL INDIRECT EXPENSES:	**520,795**	**47,771**	**213,756**	**307,039**	**41%**	**3,242**
TOTAL ALL EXPENSES:	**540,945**	**47,806**	**215,548**	**325,397**	**40%**	**10,196**
NET INCOME (LOSS):	**(540,945)**	**(47,806)**	**(215,548)**	**(325,397)**	**40%**	**9,846**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SERVICE CENTER						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,376	198	990	1,386	42%	-
STAFF CONFERENCE & TRAINING	2,184	-	-	2,184	0%	910
TOTAL DIRECT EXPENSES:	**4,560**	**198**	**990**	**3,570**	**22%**	**910**
INDIRECT EXPENSES:						
SALARY EXPENSE (5.78 FTE)	394,527	33,253	169,465	225,062	43%	(5,078)
BENEFITS EXPENSE	160,465	13,020	65,039	95,425	41%	1,821
OTHER INDIRECT EXPENSE	174,066	17,550	71,107	102,959	41%	1,420
TOTAL INDIRECT EXPENSES:	**729,058**	**63,822**	**305,611**	**423,447**	**42%**	**(1,837)**
TOTAL ALL EXPENSES:	**733,618**	**64,020**	**306,601**	**427,017**	**42%**	**(927)**
NET INCOME (LOSS):	**(733,618)**	**(64,020)**	**(306,601)**	**(427,017)**	**42%**	**(927)**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

SECTIONS ADMINISTRATION

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
REIMBURSEMENTS FROM SECTIONS	297,786	22,752	355,983	(58,197)	120%	231,906
TOTAL REVENUE:	**297,786**	**22,752**	**355,983**	**(58,197)**	**120%**	**231,906**
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	1,000	-	25	975	2%	392
SUBSCRIPTIONS	350	-	-	350	0%	146
SECTION/COMMITTEE CHAIR MTGS	1,000	-	-	1,000	0%	417
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	208
STAFF MEMBERSHIP DUES	200	-	-	200	0%	83
TOTAL DIRECT EXPENSES:	**3,050**	**-**	**25**	**3,025**	**1%**	**1,246**
INDIRECT EXPENSES:						
SALARY EXPENSE (2.58 FTE)	159,053	13,190	66,353	92,700	42%	(81)
BENEFITS EXPENSE	60,688	5,250	25,671	35,017	42%	(384)
OTHER INDIRECT EXPENSE	77,697	7,853	31,820	45,877	41%	553
TOTAL INDIRECT EXPENSES:	**297,439**	**26,293**	**123,845**	**173,594**	**42%**	**88**
TOTAL ALL EXPENSES:	**300,489**	**26,293**	**123,869**	**176,619**	**41%**	**1,334**
NET INCOME (LOSS):	**(2,703)**	**(3,542)**	**232,114**	**(234,816)**	**-8588%**	**233,240**

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Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

SECTIONS OPERATIONS

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
SECTION DUES	438,431	34,776	549,489	(111,058)	125%	366,810
SEMINAR PROFIT SHARE	153,875	1,443	1,443	152,432	1%	(62,672)
INTEREST INCOME	17,147	-	-	17,147	0%	(7,145)
PUBLICATIONS REVENUE	1,500	876	876	624	58%	251
OTHER	78,010	355	12,948	65,062	17%	(19,556)
TOTAL REVENUE:	**688,964**	**37,450**	**564,756**	**124,207**	**82%**	**277,688**
DIRECT EXPENSES:						
DIRECT EXPENSES OF SECTION ACTIVITIES	733,096	17,764	79,095	654,001	11%	226,361
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	284,470	22,752	355,983	(71,513)	125%	(237,454)
TOTAL DIRECT EXPENSES:	**1,017,566**	**40,515**	**435,079**	**582,488**	**43%**	**(11,093)**
NET INCOME (LOSS):	**(328,603)**	**(3,065)**	**129,677**	**(458,280)**	**-39%**	**266,595**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
TECHNOLOGY						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	115,000	3,115	7,019	107,981	6%	40,897
STAFF TRAVEL/PARKING	1,000	114	408	592	41%	9
STAFF MEMBERSHIP DUES	200	-	-	200	0%	83
TELEPHONE	95,000	6,777	33,883	61,117	36%	5,700
COMPUTER HARDWARE	65,000	2,754	16,839	48,161	26%	10,244
COMPUTER SOFTWARE	320,000	51,951	229,134	90,866	72%	(95,800)
HARDWARE SERVICE & WARRANTIES	45,000	1,961	20,266	24,734	45%	(1,516)
SOFTWARE MAINTENANCE & LICENSING	345,000	6,996	122,143	222,857	35%	21,607
THIRD PARTY SERVICES **	10,000	245	1,503	8,497	15%	2,664
CLOUD INFRASTRUCTURE	130,000	3,452	17,654	112,346	14%	36,513
STAFF CONFERENCE & TRAINING	8,000	-	25	7,975	0%	3,308
TRANSFER TO INDIRECT EXPENSES	(1,134,200)	(77,365)	(448,874)	(685,326)	40%	(23,709)
TOTAL DIRECT EXPENSES:	-	-	-	-		-
INDIRECT EXPENSES:						
SALARY EXPENSE (13.00 FTE) **	1,434,388	119,285	597,769	836,619	42%	(107)
BENEFITS EXPENSE	478,236	38,765	186,732	291,503	39%	12,532
CAPITAL LABOR & OVERHEAD	(210,000)	(4,430)	(34,932)	(175,068)	17%	52,568
OTHER INDIRECT EXPENSE	391,498	39,486	159,991	231,507	41%	3,133
TOTAL INDIRECT EXPENSES:	**2,094,122**	**193,106**	**909,561**	**1,184,561**	**43%**	**68,126**
TOTAL ALL EXPENSES:	**2,094,122**	**193,106**	**909,561**	**1,184,561**	**43%**	**68,126**
NET INCOME (LOSS):	**(2,094,122)**	**(193,106)**	**(909,561)**	**(1,184,561)**	**43%**	**(37,010)**

**Budget reallocations apply to this line item. For details, see FY24 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

VOLUNTEER ENGAGEMENT

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
POSTAGE	-	-	571	(571)		(571)
STAFF MEMBERSHIP DUES	450	-	300	150	67%	(113)
STAFF CONFERENCE & TRAINING	2,600	-	-	2,600	0%	1,083
SUBSCRIPTIONS	750	-	358	392	48%	(45)
ABA DELEGATES	14,000	2,706	2,706	11,294	19%	3,127
TOTAL DIRECT EXPENSES:	**17,800**	**2,706**	**3,935**	**13,865**	**22%**	**3,482**
INDIRECT EXPENSES:						
SALARY EXPENSE (0.60 FTE)	60,485	5,017	25,329	35,156	42%	(127)
BENEFITS EXPENSE	17,637	1,736	8,617	9,021	49%	(1,268)
OTHER INDIRECT EXPENSE	18,069	1,843	7,466	10,603	41%	63
TOTAL INDIRECT EXPENSES:	**96,192**	**8,595**	**41,412**	**54,780**	**43%**	**(1,332)**
TOTAL ALL EXPENSES:	**113,992**	**11,301**	**45,347**	**68,644**	**40%**	**(1,332)**
NET INCOME (LOSS):	**(113,992)**	**(11,301)**	**(45,347)**	**(68,644)**	**40%**	**2,149**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
INDIRECT EXPENSES:						
SALARIES	13,743,352	1,108,908	5,550,640	8,192,712	40%	175,757
TEMPORARY SALARIES	142,512	32,253	110,614	31,898	78%	(51,234)
CAPITAL LABOR & OVERHEAD	(210,000)	(4,430)	(34,932)	(175,068)	17%	(52,568)
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(83,333)
INSURANCE REBATE	(4,060)	-	-	(4,060)	0%	(1,692)
EMPLOYEE ASSISTANCE PLAN	4,800	1,200	2,400	2,400	50%	(400)
EMPLOYEE SERVICE AWARDS	1,680	280	1,140	540	68%	(440)
FICA (EMPLOYER PORTION)	1,015,935	83,988	401,500	614,434	40%	21,806
L&I INSURANCE	71,948	-	15,403	56,545	21%	14,575
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	29,351	2,389	11,514	17,836	39%	715
MEDICAL (EMPLOYER PORTION)	1,743,648	159,751	771,385	972,264	44%	(44,864)
RETIREMENT (EMPLOYER PORTION)	1,292,648	105,152	520,775	771,873	40%	17,828
TRANSPORTATION ALLOWANCE	34,000	70	26,940	7,060	79%	(12,773)
UNEMPLOYMENT INSURANCE	81,488	9,039	26,944	54,544	33%	7,009
TOTAL SALARY & BENEFITS EXPENSE:	**17,747,303**	**1,498,599**	**7,404,324**	**10,342,979**	**42%**	**(9,614)**
WORKPLACE BENEFITS	52,710	1,452	10,993	41,717	21%	10,969
HUMAN RESOURCES POOLED EXP	77,112	9,145	31,159	45,953	40%	971
MEETING SUPPORT EXPENSES	7,500	896	2,740	4,760	37%	385
RENT	2,065,775	291,068	938,774	1,127,001	45%	(78,034)
PERSONAL PROP TAXES-WSBA	6,650	632	2,408	4,242	36%	363
FURNITURE, MAINT, LH IMP	45,000	849	11,289	33,711	25%	7,461
OFFICE SUPPLIES & EQUIPMENT	21,500	1,546	8,129	13,371	38%	829
FURN & OFFICE EQUIP DEPRECIATION	111,192	9,718	48,586	62,606	44%	(2,256)
COMPUTER HARDWARE DEPRECIATION	49,926	3,191	16,972	32,954	34%	3,831
COMPUTER SOFTWARE DEPRECIATION	71,787	3,916	19,581	52,206	27%	10,330
INSURANCE	272,643	22,232	111,160	161,483	41%	2,441
WORK HOME FURNITURE & EQUIP	14,000	-	1,624	12,376	12%	4,209
PROFESSIONAL FEES-AUDIT	35,000	-	36,300	(1,300)	104%	(21,717)
PROFESSIONAL FEES-LEGAL	200,000	1,407	14,325	185,675	7%	69,009
ONLINE LEGAL RESEARCH	24,359	2,388	13,191	11,168	54%	(3,041)
ACCOMODATIONS FUND	6,500	-	-	6,500	0%	2,708
TRANSLATION SERVICES	12,000	786	1,908	10,092	16%	3,092
TELEPHONE & INTERNET	33,000	2,700	13,450	19,550	41%	300
POSTAGE - GENERAL	18,300	1,465	3,602	14,698	20%	4,023
RECORDS STORAGE	30,000	4,820	16,870	13,130	56%	(4,370)
BANK FEES	50,000	3,398	18,006	31,994	36%	2,828
PRODUCTION MAINTENANCE & SUPPLIES	12,500	(235)	7,738	4,762	62%	(2,530)
COMPUTER POOLED EXPENSES	1,134,200	77,365	448,874	685,326	40%	23,709
TOTAL OTHER INDIRECT EXPENSES:	**4,351,654**	**438,738**	**1,777,679**	**2,573,975**	**41%**	**35,510**
TOTAL INDIRECT EXPENSES:	**22,098,957**	**1,937,337**	**9,182,003**	**12,916,954**	**42%**	**25,895**

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2024 to February 29, 2024

42% OF YEAR COMPLETE

SUMMARY PAGE	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
ACCESS TO JUSTICE	(336,864)	(23,855)	(117,544)	(219,319)
ADMISSIONS/BAR EXAM	(60,685)	47,524	181,396	(242,081)
ADVANCEMENT FTE	(368,381)	(32,836)	(155,119)	(213,262)
BAR NEWS	(98,064)	(3,490)	(60,050)	(38,014)
BOARD OF GOVERNORS	(566,110)	(18,937)	(115,538)	(450,572)
CLE - PRODUCTS	686,807	47,501	584,856	101,951
CLE - SEMINARS	(385,594)	(49,161)	(99,970)	(285,625)
CLIENT PROTECTION FUND	(92,700)	56,507	573,520	(666,220)
CHARACTER & FITNESS BOARD	(172,249)	(12,551)	(60,859)	(111,390)
COMMUNICATIONS	(824,968)	(57,461)	(274,494)	(550,474)
COMMUNICATIONS FTE	(249,385)	(21,233)	(103,835)	(145,550)
DESKBOOKS	(143,871)	5,070	(76,243)	(67,628)
DISCIPLINE	(6,195,089)	(531,850)	(2,498,408)	(3,696,681)
DIVERSITY	(341,883)	43,531	5,520	(347,403)
FINANCE	(738,582)	(21,219)	(136,200)	(602,382)
FOUNDATION	(161,208)	(14,727)	(74,165)	(87,043)
HUMAN RESOURCES	(470,254)	(55,116)	(264,237)	(206,016)
LAW CLERK PROGRAM	23,070	6,724	87,093	(64,023)
LEGISLATIVE	(281,300)	(25,169)	(115,961)	(165,339)
LEGAL LUNCHBOX	(22,696)	(3,894)	7,865	(30,561)
LICENSE FEES	17,320,499	1,795,700	7,156,978	10,163,521
LICENSING AND MEMBERSHIP	(234,896)	(11,163)	(34,571)	(200,325)
LIMITED LICENSE LEGAL TECHNICIAN	(71,128)	(4,776)	(26,766)	(44,362)
LIMITED PRACTICE OFFICERS	70,018	5,353	28,890	41,128
MANDATORY CLE ADMINISTRATION	197,896	119,288	359,450	(161,554)
MEMBER WELLNESS PROGRAM	(226,406)	(18,511)	(92,903)	(133,503)
MINI CLE	(110,349)	(10,107)	(48,062)	(62,288)
MEMBER SERVICES & ENGAGEMENT	(379,971)	(24,677)	(120,940)	(259,031)
NEW MEMBER EDUCATION	(32,137)	(133)	54,423	(86,560)
OFFICE OF GENERAL COUNSEL	(1,078,051)	(91,951)	(408,288)	(669,762)
OFFICE OF THE EXECUTIVE DIRECTOR	(817,261)	(61,167)	(305,090)	(512,171)
OGC-DISCIPLINARY BOARD	(315,741)	(25,479)	(128,930)	(186,811)
PRACTICE OF LAW BOARD	(88,560)	(7,350)	(36,352)	(52,209)
PRACTICE MANAGEMENT ASSISTANCE	(151,298)	4,072	(107,022)	(44,276)
PROFESSIONAL RESPONSIBILITY PROGRAM	(239,590)	(20,061)	(98,117)	(141,473)
PUBLIC SERVICE PROGRAMS	(397,889)	48,396	19,069	(416,958)
PUBLICATION & DESIGN SERVICES	(123,385)	(10,683)	(55,812)	(67,574)
REGULATORY SERVICES FTE	(540,945)	(47,806)	(215,548)	(325,397)
SECTIONS ADMINISTRATION	(2,703)	(3,542)	232,114	(234,816)
SECTIONS OPERATIONS	(328,603)	(3,065)	129,677	(458,280)
SERVICE CENTER	(733,618)	(64,020)	(306,601)	(427,017)
TECHNOLOGY	(2,094,122)	(193,106)	(909,561)	(1,184,561)
VOLUNTEER EDUCATION	(113,992)	(11,301)	(45,347)	(68,644)
INDIRECT EXPENSES	22,098,957	1,937,337	9,182,003	12,916,954
TOTAL OF ALL	**(20,806,720)**	**(2,636,606)**	**(11,510,323)**	**(9,296,397)**
NET INCOME (LOSS)	**(1,292,237)**	**699,270**	**2,328,319**	**(3,620,557)**

WASHINGTON STATE
BAR ASSOCIATION

WSBA MISSION

The Washington State Bar Association's mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
  Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.
- **Diversity, equality, and cultural understanding throughout the legal community.**
  Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.
- **The public's understanding of the rule of law and its confidence in the legal system.**
  Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS	PROGRAM CRITERIA
Ensuring Competent and Qualified Legal Professionals • Cradle to Grave • Regulation and Assistance **Promoting the Role of Legal Professionals in Society** • Service • Professionalism	• Does the Program further either or both of WSBA's mission-focus areas? • Does WSBA have the competency to operate the Program? • As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program? • Is statewide leadership required in order to achieve the mission of the Program? • Does the Program's design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

2016 – 2018 STRATEGIC GOALS

- **Equip members with skills for the changing profession**
- **Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession**
- **Explore and pursue regulatory innovation and advocate to enhance the public's access to legal services**

GR 12
REGULATION OF THE PRACTICE OF LAW

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

[Adopted effective September 1, 2017.]

GR 12.1
REGULATORY OBJECTIVES

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

(a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;

(b) delivery of affordable and accessible legal services;

(c) efficient, competent, and ethical delivery of legal services;

(d) protection of privileged and confidential information;

(e) independence of professional judgment;

(f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;

(g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

[Adopted effective September 1, 2017.]

GR 12.2
WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED ACTIVITIES, AND PROHIBITED ACTIVITIES

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

(a) Purposes: In General. In general, the Washington State Bar Association strives to:

(1) Promote independence of the judiciary and the legal profession.

(2) Promote an effective legal system, accessible to all.

(3) Provide services to its members and the public.

(4) Foster and maintain high standards of competence, professionalism, and ethics among its members.

(5) Foster collegiality among its members and goodwill between the legal profession and the public.

(6) Promote diversity and equality in the courts and the legal profession.

(7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.

(8) Administer programs of legal education.

(9) Promote understanding of and respect for our legal system and the law.

(10) Operate a well-managed and financially sound association, with a positive work environment for its employees.

(11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

(1) Sponsor and maintain committees and sections, whose activities further these purposes;

(2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;

(3) Provide periodic reviews and recommendations concerning court rules and procedures;

(4) Administer examinations and review applicants' character and fitness to practice law;

(5) Inform and advise its members regarding their ethical obligations;

(6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;

(7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;

(8) Maintain a program for mediation of disputes between members and others;

(9) Maintain a program for legal professional practice assistance;

(10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

(11) Maintain a system for accrediting programs of continuing legal education;

(12) Conduct examinations of legal professionals' trust accounts;

(13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;

(14) Maintain a program for the aid and rehabilitation of impaired members;

(15) Disseminate information about the organization's activities, interests, and positions;

(16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;

(17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;

(18) Encourage public service by members and support programs providing legal services to those in need;

(19) Maintain and foster programs of public information and education about the law and the legal system;

(20) Provide, sponsor, and participate in services to its members;

(21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;

(22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

(1)) Take positions on issues concerning the politics or social positions of foreign nations;

(2)) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or

(3) Support or oppose, in an election, candidates for public office.

[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]

GR 12.3
WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION OF SUPREME COURT-CREATED BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

[Adopted effective September 1, 2007; amended effective September 1, 2017.]

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the
Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1)) "Access" means the ability to view or obtain a copy of a Bar record.

(2)) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone
numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk
Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

(3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

(e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

(2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed $30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B)) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

GR 12.5
IMMUNITY

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

[Adopted effective January 2, 2008; amended effective September 1, 2017.]

WASHINGTON STATE
BAR ASSOCIATION

2023-2024 WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	DESCRIPTION	MATERIALS DEADLINE
October 20-21, 2023	WSBA Conference Center Seattle, WA	Team Building Retreat	n/a
November 2-3, 2023	University of Washington School of Law Seattle, WA	BOG Meeting	October 10, 2023
January 12-13, 2024	WSBA Conference Center Seattle, WA	BOG Meeting MLK Luncheon Jan. 12	December 5, 2023
March 7-8, 2024	Gonzaga University School of Law Spokane, WA	BOG Meeting	February 13, 2024
May 2-3, 2024	Lodge at Columbia Point Richland, WA	BOG Meeting	April 9, 2024
July 18-20, 2024	Lucy F. Covington Government Center Nespelem, WA /Moses Lake, WA	BOG Meeting BOG Planning Reteat	June 18, 2024
September 6-7, 2024	Olympia Hotel at Capitol Lake Olympia, WA	BOG Meeting	August 13, 2024

NEW!

Beginning in fiscal year 2024 (October 1, 2023 – September 30, 2024), all proposed agenda items and materials must be submitted by the deadline stated above. Materials can be submitted through 1) a staff liaison, 2) staff supervisor or department director, 3) staff member identified by the Office of the Executive Director or, if none of those are applicable, 4) directly to the Executive Director (terran@wsba.org). Submitters will be notified of the status of their request after the materials deadline. All meeting materials will be published appx. two weeks prior to the meeting.

Materials should include: 1) a cover memo, 2) additional/supplemental materials, 3) be inclusive of all WSBA analyses, if relevant and, 4) be in final form suitable for publication. Click here for more information.

WSBA Board of Governors
Congressional District Map

2023-2024


Hunter Abell
President


Sunitha Anjilvel
President-Elect


Dan Clark
Immediate Past President


Francis Adewale
Treasurer


Terra Nevitt
Executive Director & Secretary

BRITISH COLUMBIA


Kari Petrasek
Governor District 2


Sunitha Anjilvel
Governor District 1


Francis Adewale
Governor District 5


Todd A. Bloom
Governor District 6


Matthew Dresden
Governor District 7-North


Kristina Larry
Governor District 8


Serena Sayani
Governor District 7-South


Kevin Fay
Governor District 9


Nam Nguyen
Governor District 10


Mary Rathbone
Governor District 4


Allison Widney
Governor District 3


Jordan Couch
Governor At-Large


Tom Ahearne
Governor At-Large


Brent Williams-Ruth
Governor At-Large

Blaine
Bellingham
San Juan Island
Anacortes
Strait of Juan de Fuca
Clallam
Port Angeles
Jefferson
Port Townsend
Mason
Bremerton
Grays Harbor
Hoquiam
Aberdeen
Olympia
Thurston
Pacific
Raymond
South Bend
Centralia
Lewis
Wahkiakum
Longview
Skamania
Clark
Vancouver
PACIFIC OCEAN
Seattle
Bellevue
Kittitas
Ellensburg
Pierce
Yakima
Yakima
Klickitat
Chelan
Wenatchee
Okanogan
Omak
Oroville
Grand Coulee
Coulee City
Ephrata
Grant
Moses Lake
Benton
Richland
Kennewick
Pasco
Franklin
Republic
Pend Oreille
Newport
Wilbur
Lincoln
Spokane
Spokane Valley
Ritzville
Adams
Whitman
Colfax
Pullman
Garfield
Clarkston
Dayton
Columbia
Walla Walla
Asotin
IDAHO
OREGON

BASIC CHARACTERISTICS OF MOTIONS

From: ***The Complete Idiot's Guide to Robert's Rules***
The Guerilla Guide to Robert's Rules

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No[1]	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No[2]	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority[3]
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes[4]	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes[4]	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question Is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable

Discussion Protocols
Board of Governors Meetings

Philosophical Statement:

"We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards."

Governor's Commitments:

1. Tackle the problems presented; don't make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board's decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don't be repetitive.
9. Consider, respect and trust committee work but exercise the Board's obligation to establish policy and insure that the committee work is consistent with that policy and the Board's responsibility to the WSBA's mission.
10. Seek the best decision through quality discussion and ample time (listen, don't make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don't repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.

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BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the "WSBA Community") in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information

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BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirt and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- I will treat each person with courtesy and respect, valuing each individual.
- I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- I will assume the good intent of others.
- I will speak in ways that encourage others to speak.
- I will respect others' time, workload, and priorities.
- I will aspire to be honest and open in all communications.
- I will aim for clarity; be complete, yet concise.
- I will practice "active" listening and ask questions if I don't understand.
- I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- I will focus on reaching understanding and finding solutions to problems.
- I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- I will maintain a sense of perspective and respectful humor.

BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirt and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- I will treat each person with courtesy and respect, valuing each individual.
- I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- I will assume the good intent of others.
- I will speak in ways that encourage others to speak.
- I will respect others' time, workload, and priorities.
- I will aspire to be honest and open in all communications.
- I will aim for clarity; be complete, yet concise.
- I will practice "active" listening and ask questions if I don't understand.
- I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- I will focus on reaching understanding and finding solutions to problems.
- I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- I will maintain a sense of perspective and respectful humor.

BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

November 2014

BEST PRACTICES AND EXPECTATIONS

- **Attributes of the Board**
  - Competence
  - Respect
  - Trust
  - Commitment
  - Humor

- **Accountability by Individual Governors**
  - Assume Good Intent
  - Participation/Preparation
  - Communication
  - Relevancy and Reporting

- **Team of Professionals**
  - Foster an atmosphere of teamwork
    - Between Board Members
    - The Board with the Officers
    - The Board and Officers with the Staff
    - The Board, Officers, and Staff with the Volunteers
  - We all have common loyalty to the success of WSBA

- **Work Hard and Have Fun Doing It**

BOARD OF GOVERNORS

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- **Work Hard and Have Fun Doing It**

WASHINGTON STATE
BAR ASSOCIATION

TO: Long Range Strategic Planning Council

FROM: Terra Nevitt, Executive Director

DATE: April 15, 2024

RE: Strategic Planning Process

APPROVE: Strategic Planning Process

Background

After many years of operating without a strategic plan or strategic goals, the practice of setting organizational priorities or goals was reestablished in FY 2023.

When we met in September 2023, I made several recommended shifts to our approach to strategic planning based on our discussions at our planning retreat last summer and recommendations from our retreat facilitator John Phelps. One of those recommendations was to begin working on the development of a strategic planning process. In making that recommendation I noted that the challenges that WSBA, the legal profession, and the legal system face cannot be meaningfully addressed in one year and that to be effective and bring about meaningful impacts, it is essential that the leaders of WSBA develop a longer term strategic vision for WSBA and a roadmap for achieving that vision.

Working with a subcommittee of the Long-Range Strategic Planning Council that included Pres. Elect Sunitha Anjilvel, Treas. Francis Adewale and Chief Disciplinary Counsel Doug Ende, we developed the attached process for WSBA Strategic Planning. This process was approved by unanimous vote of the Long-Range Strategic Council (LRSPC) at its meeting on February 26, 2024.

Proposal

The process contemplates the ongoing development of a three-year strategic plan. During the final year of any three-year plan, work is underway to develop and adopt the next three-year plan to ensure there are no gaps in implementation of a strategic plan.

The process provides that strategic planning is co-lead by the President-Elect and Executive Director and vests decision-making with respect to the strategic plan in the Board of Governors. The process provides that the LRSPC provide high-level input and monitor the planning process on behalf of the Board of Governors. It also contemplates the periodic creation of a Strategic Planning Steering Committee, made-up of 4 members of the LRSPC and 3 members of the staff Executive Leadership Team, to undertake the work of developing a strategic plan.

The work of developing a strategic plan, as outlined in the process document, includes using data to understand the threats and opportunities facing WSBA, the profession, and the public's access to the legal system as well as meaningful consultation with key stakeholders.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation could include two all day in-person meeting expenses (mileage, parking, meals, etc.) for 4 steering committee members (estimated at less than $1,600), and the time of 3 staff who would participate as members of the committee and provide support. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. We encourage the Long-Range Strategic Planning Council to apply an equity lens to the proposed process by identifying and centering people who will be most impacted by their decisions. Given that the Council intends to learn about threats and opportunities for WSBA, the profession and the public's access to the legal system, the people most impacted may include staff, underrepresented and historically marginalized WSBA members and public members who have the least access to the legal system (e.g., people who experience poverty and historical marginalization). To center these communities, we suggest the Council move beyond consulting to involving and collaborating with them (see an example on page two of the Spectrum of Community Engagement to Ownership). Ways the Council can do this include creating a seat(s) on the Long Strategic Planning Committee for members from communities most impacted, adding a role for Council members to be building relationships and communication lines with most impacted on an ongoing basis, and prioritizing the creation of cultural norms that facilitate an inclusive space for all members particularly because of the presumably diverse makeup of the Council.

Attachments

Strategic Planning Process, Approved by the Long-Range Strategic Planning Council February 26, 2024

WASHINGTON STATE
BAR ASSOCIATION

Strategic Planning Process

Purpose of Strategic Planning

The purpose of WSBA's strategic plan is to establish and communicate a roadmap for the future of the organization as a means of moving towards and ultimately achieving WSBA's long-term goals. The strategic plan will provide direction to the Executive Director, inform prioritization of resources, align volunteers and staff, and communicate WSBA's priorities to members, the public, and other stakeholders.

Strategic Planning Roles

President-Elect. The President-Elect collaborates with the Executive Director to lead strategic planning activities. The activities undertaken will vary each year depending on what stage of the cycle the organization is in.

Executive Director. The Executive Director collaborates with the President-Elect to lead strategic planning activities. The Executive Director is responsible for implementation of the strategic plan; any action to be taken under the strategic plan that would ordinarily require approval of the Board will be taken to the Board for approval following regular procedures. The Executive Director is also responsible for reporting progress on the strategic plan to the Board of Governors.

Board of Governors. The Board of Governors is the decision-maker with respect to the adoption of the strategic plan, as well as any revisions to the plan.

Long-Range Strategic Planning Council. The Long-Range Strategic Planning Council will monitor and provide high-level input during the strategic planning process, which will vary by strategic planning phase. During the years in which a new strategic plan is being developed, the Council receives reports from and provides input to the Strategic Planning Steering Committee. During years in which a plan is being implemented, the Council receives progress reports from the Executive Director and makes reports to the Board of Governors.

Strategic Planning Steering Committee. During years in which a new strategic plan is being developed, a Strategic Planning Steering Committee is formed as a subcommittee of the Long-Range Strategic Planning Council. It will consist of 4 Council members designated by the Chair of the Council and 3 Executive Staff members designated by the Executive Director. Every effort should be made by the Steering Committee to make decisions by consensus. In the event that consensus cannot be reached, the Steering Committee may—to minimize the influence of power dynamics—act through a secret ballot vote.

Chief Communications Officer. The Chief Communications Officer is responsible for leading stakeholder outreach and engagement. The activities undertaken by the Chief Communications Officer will vary depending on what stage of the cycle the organization is in.

Strategic Planning Cycle

Year 0 refers to the phase during which the organization develops its first strategic plan. Once the initial Plan is adopted, strategic planning is conducted on a perpetual three-year cycle. The cycle consists of (1) three years of implementation and (2) revision and refinement of the Strategic Plan in the third year in anticipation of the next three-year cycle.

Year 0 (Initial Development and Adoption of Strategic Plan)
Co-Chaired by the President-Elect and the Executive Director, in year one of each strategic planning cycle, the Steering Committee:

- Reviews data and learn about threats and opportunities for WSBA, the profession, and the public's access to the legal system.
- Identifies preliminary areas of focus and engage in activities designed to (1) understand the root causes of problems, (2) envision/identify what success looks like, (3) determine how success can be measured.
- Determines what additional information is needed and, with support from the Chief Communications Officer, consults with key stakeholders.
- Reports to and gathers input from the Long-Range Strategic Planning Council.
- Proposes a three-year strategic plan for adoption by the Board of Governors.
- Ensures the three-year strategic plan informs the forthcoming budget.

Year 1 (Initial Implementation)
During Year 1, the Executive Director drives communication and implementation of the Strategic Plan adopted by the Board, including sharing the strategic plan with WSBA staff, volunteers, and entities, as well as requesting assistance in carrying out the strategic plan where appropriate. The Executive Director provides a report on how the plan is being operationalized to the Long-Range Strategic Planning Council, which reports to the Board of Governors.

Year 2 (Continued Implementation, Initial Evaluation)
In Year 2, implementation continues. The Executive Director provides a report to the Long-Range Strategic Planning Council on the Year 1 implementation, and the Council reports to the Board of Governors. At this time, the Council and Board should determine whether the plan is in need of revisions in light of preliminary results, available resources, or evolving threats and opportunities.

Year 3 (Continued Implementation, Continued Evaluation, Update Strategic Plan)
This is the final year of implementing the three-year strategic plan. The Executive Director provides a report to the Long-Range Strategic Planning Council on the Year 2 implementation, and a Steering Committee is formed to prepare a strategic plan for the next three years, following the same steps as outlined in Year 0.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Governor Brent Williams-Ruth, on behalf of the Personnel Committee

DATE: April 26, 2024

RE: Personnel Committee Charter – Proposed Revisions

ACTION: Personnel Committee's proposal for revisions to their charter

Proposed revisions to the BOG Personnel Committee's charter include a change to committee composition and an expansion of scope to include Board recruitment efforts.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Note: OGC reviewed and made edits to proposed charter revision

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact to WSBA resulting from the proposed recommendation could include in-person meeting, outreach, and/or recruitment event expenses (mileage, parking, meals, event space rentals, etc.) for subcommittee members, and staff time used to support the workgroup. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources. Without more detailed information about the specific events and activities, we are unable to determine the extent of the impact or provide a specific dollar amount estimate without additional information that is unavailable at this time.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. It appears that the proposed charter amendments aim to broaden who is doing the outreach and recruitment for potential Board of Governor members through the creation of a subcommittee. Expanding outreach and recruitment efforts is a step in the right direction to increase diversity. We encourage the subcommittee to not only engage in targeted geographic outreach but targeted outreach to members from underrepresented communities including people with disabilities, people who identify as LGBTQIA2S and people who identify as Black, Indigenous and/or people of color. We also encourage the subcommittee to work towards building relationships and trust with underrepresented members on an ongoing basis so outreach and recruitment is continual, not seasonal. We also encourage the subcommittee to identify barriers that may inhibit underrepresented people from being able to run for BOG election and propose policies that remove those barriers.

BOG Personnel Committee Charter – Proposed Revisions

May 2024 BOG Meeting

CLEAN VERSION – DRAFT as of 04.22.24

Composition and Appointment
The BOG Personnel Committee is comprised of the WSBA Officers and at least one governor from each year. No governor may be appointed if they are seeking re-election to the BOG or an officer position in their year of appointment. This information must be disclosed to the President-Elect as they are forming the committee for the next year. The President has the authority to remove members from the committee. The committee is appointed by the president and chaired by a senior member who has previously served on the committee.

Task
The Personnel Committee conducts the annual evaluation of the Executive Director and is the touch point for notice of significant personnel actions in accordance with the protocol adopted by the committee. This committee is also available for staff concerns regarding the Executive Director in a process described in WSBA's Employee Handbook, "Employee Relations " section.
This committee will take a leadership development role and coordinate with WSBA staff in recruitment and outreach efforts for Board of Governors positions. The Personnel Committee may be asked to assure other functions as directed by the Board of Governors.

Sub-committee for Recruitment and Outreach
A Recruitment and Outreach sub-committee may be comprised of members from the Personnel Committee, the BOG, and staff.

The scope of this sub-committee may include:

- Inspiring, not selecting, potential members for the Board of Governors
- District-targeted recruitment events,
- Non-resident member outreach,
- Informational sessions,
- Engagement opportunities for former governors and volunteers,
- Partner with Ambassadors (pending approval of Communication Plan)
- Leadership development - Increase education and awareness about volunteers for Board Leadership position
- Formulate and recommend policies to the Board of Governors

REDLINED VERSION – DRAFT as of 04.22.24

Composition and Appointment

The BOG Personnel Committee is comprised of the WSBA Officers and at least one governor from each year. No governor may be appointed if they are seeking re-election to the BOG or an officer position in their year of appointment. ~~and at least one governor from each year.~~ This information must be disclosed to the President-Elect as they are forming the committee for the next year. The President has the authority to remove members from the committee. The committee is appointed by the president and chaired by a senior member who has previously served on the committee.

Task

The Personnel Committee conducts the annual evaluation of the Executive Director and is the touch point for notice of significant personnel actions in accordance with the protocol adopted by the committee. This committee is also available for staff concerns regarding the Executive Director in a process described in WSBA's Employee Handbook, "Employee Relations ~~Problem Resolution~~" section. This committee will take a leadership development role and coordinate with WSBA staff in recruitment and outreach efforts for Board of Governors positions. - The Personnel Committee may be asked to assure other functions as directed by the Board of Governors.

Sub-committee for Recruitment and outreach:

A Recruitment and Outreach sub-committee may be comprised of members from the Personnel Committee, the BOG, and staff.

The scope of this sub-committee may include:

- Inspiring, not selecting, potential members for the Board of Governors
- District-targeted recruitment events,
- Non-resident member outreach,
- Informational sessions,
- Engagement opportunities for former governors and volunteers,
- Partner with Ambassadors *(pending approval of communication plan)*
- Leadership development - Increase education and awareness about volunteers for Board Leadership position
- Formulate and recommend policies to the Board of Governors

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Governor Brent Williams-Ruth, on behalf of the Personnel Committee

DATE: April 26, 2024

RE: Executive Director – Succession Plan for End of Contract

ACTION: Personnel Committee's proposal for a succession plan and process when the Executive Director's contract ends

The WSBA Executive Director's contract has a fixed term of 10 years with the option to extend.

The Personnel Committee agreed to draft a proposal plan and process succession planning so when the time comes, all parties have time to prepare for a transition. A draft proposal is attached.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Note: OGC was part of the initial discussions regarding this proposal

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The proposed plan for recruiting and hiring an Executive Director is similar to processes that WSBA has used historically (without the proposed plan in place) and therefore the fiscal impact is likely similar regardless of the approval of the proposed plan. The fiscal impact includes costs for hiring an executive search firm (approximately $50,000-$70,000, typically based on a percentage of salary) and staff time that would be allocated to support this work. Staff time is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. Given that the Executive Director oversees all operations of the WSBA, staff at all levels would likely be the most impacted by the BOG's decision of a future Executive Director. That said, we suggest that staff or a representative group of staff outside of the Executive Leadership Team also be included in the review process (e.g., interviews, candidate presentation to staff).

ED End of Contract Succession Plan - Proposal

Background:

The WSBA Disaster Recovery Plan outlines an Executive Director ("ED") Management Succession Plan, to be enacted in the event of the ED's "sudden death, departure, incapacitation, or extended absence".

The current WSBA Executive Director contract states that "no individual shall serve as Executive for more than ten years, except that the Board of Governors may, in its discretion, extend the contract past this period by a 66% super majority vote for terms of two year increments."

Note:

Terra Nevitt will reach the ten-year period on August 31, 2030.

Purpose:

Neither the Disaster Recovery Plan nor the ED Contract outlines a procedure for succession planning upon the natural termination of the ED's contract.

The BOG Personnel Committee agreed in their February 15, 2024 meeting that a policy and procedure will be drafted and presented to the BOG for approval.

Proposed Policy and Procedures for End of Contract Succession Planning:

Upon the natural termination of this agreement, if the Board of Governors ("BOG") decides not to extend the ED's contract, the following procedures will take place:

- One year prior to the end of the ED contract (August 30, 2029 in Terra Nevitt's case), the BOG will notify the ED in writing of their intent not to extend their contract
- On behalf of the BOG, the Personnel Committee (with the assistance of WSBA HR Director) will lead an executive search for the next WSBA ED.
- Tentative recruitment timeline:
- 12 months prior to end of contract: Publish a Request for Proposals ("RFP") for executive search firms
- 9 months prior to end of contact: Select and contract with an executive search firm
- 6 months prior to end of contract: Begin screening and interviewing candidates
- Screening committee should include BOG members and WSBA Executive Staff
- A final slate of candidates will be presented to the BOG for a final interview to be held during executive session or a special BOG meeting
- 3 months prior to end of contract: BOG agrees to selected candidate and begin contract negotiations
- 1 month prior to end of contract: New ED assumes role to allow for overlap with departing ED

- In the event of a failed or extended ED search, the BOG may name an interim ED (??)
- The BOG will determine if they want to cancel or extend the executive search
- The interim ED will receive a limited term contract and may be eligible for permanent placement in their role after serving a one-year probationary period upon BOG super majority vote

WASHINGTON STATE
BAR ASSOCIATION

To: WSBA President, President-elect, Immediate Past-President, Executive Director, and Governors
From: Washington Young Lawyers Committee
Re: Recommendations for the 2024-2027 At-Large Young Lawyer Governor Ballot
Date: April 20, 2024

ACTION: Include **Jordan Couch, Fabiola Jimenez, and Joseph Ortiz** on the 2024 – 2027 Board of Governor At-Large Young Lawyer governor ballot.

The Washington Young Lawyers Committee (WYLC), pursuant to Art.VI.C.3.b. of the WSBA Bylaws, recommends three members to be included on the ballot for the election to the Board of Governors At-large Young Lawyer seat for the 2024-2027 term.

Three applications for the position were received, all of which were reviewed by the WYLC. At the April 20, 2024 meeting, the WYLC interviewed all three candidates and voted to recommend the following three candidates for inclusion on the ballot for election by young lawyer members of the WSBA (listed in alphabetical order by last name and bar number):

- Last Name, First Name: Couch, Jordan; Bar Number: 49684
- Last Name, First Name: Jimenez, Fabiola; Bar Number: 59223
- Last Name, First Name: Ortiz, Joseph; Bar Number: 61451

Enclosed please find applications and letters of support for the 2024-2027 At-Large Young Lawyer Governor candidates.

Enclosures
- WYLC BOG At-large young lawyer position criteria and interview questions
- BOG At-large young lawyer position applicant materials

WASHINGTON STATE
BAR ASSOCIATION

Washington Young Lawyers Committee

Criteria to consider applicants for the BOG At-large position for new/young lawyers

The preferred candidate would have:

- Understand the various issues facing new lawyers
- Works toward promoting diversity in the legal profession
- Shows initiative, leadership, and responsibility
- Engages with the legal community
- Establishes collaborative relationships
- Experience with other volunteer leadership roles
- Understands WSBA mission and role of the Bar

Interview with candidate: _____

Prepared questions:

Tell us about yourself and why are you interested in this position?

How would you use this position to advance the mission of the WSBA? (and/or, what makes our mission meaningful to you)?

Share an example of a time you were given feedback and how you incorporated it into your work?

What is your communication style when part of a group brainstorming ideas or discussing complex topics?

What do you understand the time commitment to be, and what is your plan to ensure your work allows for it?

When thinking about the BOG At-large position, what will success look like to you?

Describe a time you disagreed with a decision maker on a project you were part of. How did you approach discussing the topic and how did you collaborate on the project once the final decision was made?

What do you perceive the biggest challenges facing young lawyers to be over the next 3 years?

Is there anything you wish to bring to our attention that we didn't ask you about?

(If they have served on another board, perhaps a question related to it): What were some of the most interesting experiences you have had related to boards, and some of the most important things you have learned? OR, On other boards on which you have served, what do you feel were some of your notable contributions?

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form
At Large Governor (Young Lawyer)

A Young Lawyer is defined in the WSBA Bylaws as an Active lawyer member of the Bar are considered a young lawyer until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member first was admitted to practice as a lawyer in any state, whichever is later.

All Application materials must be received by 5 p.m. PST on Wednesday, April 15, 2024.

INSTRUCTIONS

1. Review all information regarding board service, the application and the election processes online here.
2. Complete this application form. If you are nominating someone else, ask them to sign it below.
3. Complete other requested materials, see website for more information.
4. Letters of Support (if desired) can be submitted with your materials or separately. Letters of support should be emailed to barleaders@wsba.org no later than 5:00 pm PST April 15, 2024. Late materials will ***not*** be accepted.
5. Email the signed form and materials to barleaders@wsba.org.

Applicant Information	
Name	Jordan Couch
WSBA Bar #	49684
Email Address	jordan@palacelaw.com
Phone Number	253-881-5626

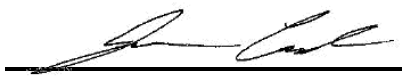
Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned Active member of the Washington State Bar Association, am running for the office of Governor At Large.

Jordan Couch — 49684

Name of Candidate (please print) — WSBA Bar #

Signature of Nominator (if relevant) — WSBA Bar #



Signature of Candidate

The WSBA values diversity and inclusion, and encourages Black, Indigenous and people of color, women, people from the LBGTQ communities, people with disabilities, and members of other groups who have been systemically oppressed to apply for our committees, boards, and panels. This process is administered by the Office of the Executive Director. Submit the application form and all materials to WSBA no later than 5 p.m. PST on April 15, 2024. Filing may be accomplished by emailing the scanned form to barleaders@wsba.org. For questions, please email Volunteer Engagement Advisor, Paris Eriksen, at parise@wsba.org.

Palace Law
@PalaceLawOffices
PalaceLaw.com

PALACE LAW
JUSTICE FOR WORKING MEN AND WOMEN

4009 Bridgeport Way W, Suite B
University Place, WA 98466
[253] 627-3883
Info@PalaceLaw.com

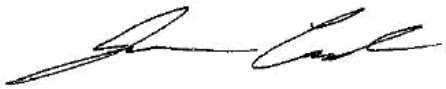
March 20, 2024

Dear WYLC:

I'm running for position this to continue the work I have been doing for the last three years on the Board of Governors and the five years before on the Washington Young Lawyers Committee. Advocating for new and young lawyers is something I have dedicated a substantial portion of my career to and being your BOG liaison has allowed me to continue that work.

During my first term I have done work to promote access to justice; support diversity, equity, and inclusion; and support new and young lawyers. I championed a stronger bar association, more support for new and young lawyers, and alternatives to the bar exam. In my next term I hope to work specifically on measures that will reduce law school costs and new lawyer debt and also expand opportunities for the public to have access to justice while enabling law firms to increase profitability. With this second and last term I hope to continue serving you.

Very truly yours,



Jordan L. Couch

WASHINGTON STATE BAR ASSOCIATION

Board of Governors
Governor At Large (Young Lawyer) Position
Candidate Profile Form

INSTRUCTIONS

Please complete the below prompts to complete your Candidate Profile form. The information provided in this form will be formatted using WSBA's design team into one pdf. candidate profile document for online WSBA led campaign purposes. This profile form replaces the short biographical statement requirement included in previous application cycles. WSBA may make grammatical and other similar copy edits to be consistent with WSBA's style guide.

Name:	Jordan Couch
Bar Number:	*49684*

Brief Biographical Statement
Please tell us a little about you. (50 words max.)

I started my legal career in Washington in 2015 and am honored to have become a partner at Palace Law. In my free time I love spending time outdoors. Lately most of my spare time is spent with my wife and newborn daughter.

What is your understanding of the role of the WSBA Board of Governors and how do you intend to fulfill the role and its obligations? (100 words max.)

The Board of Governors sets policy and rules to guide the practice of law and the legal profession in Washington. I intend to continue showing up and ensuring that I am informed on the issues we face. I also intend to advance my own ideas in collaboration with others to build a better profession. I am grateful to work at a firm that supports my work on the BOG and will continue to support it in another term.

Please share an example of how you've demonstrated your understanding and support of the WSBA mission to *protect the public and the members of the Washington State Bar Association, to ensure the integrity of the legal profession and to champion justice.* (100 words max.)

I have served in leadership roles in WSBA for eight years including as chair of the Washington Young Lawyers Committee, chair of the Solo and Small Practice Section, and as a Governor. During that time, I have advanced proposals to expand access to justice, support lawyers, and improve the protections we have in place for the public. Among those proposals were educating lawyers about ethics, technology, and business management and advocating for more public engagement in bar activities.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form
At Large Governor (Young Lawyer)

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4. Letters of Support (if desired) can be submitted with your materials or separately. Letters of support should be emailed to barleaders@wsba.org no later than 5:00 pm PST April 15, 2024. Late materials will ***not*** be accepted.
5. Email the signed form and materials to barleaders@wsba.org.

Applicant Information	
Name	Fabiola Jimenez
WSBA Bar #	59223
Email Address	fabiola@lawmeramera.com
Phone Number	509-900-6281

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned Active member of the Washington State Bar Association, am running for the office of Governor At Large.

Fabiola Jimenez	59223
Name of Candidate (please print)	WSBA Bar #
Signature of Nominator (if relevant)	WSBA Bar #
Signature of Candidate	

The WSBA values diversity and inclusion, and encourages Black, Indigenous and people of color, women, people from the LBGTQ communities, people with disabilities, and members of other groups who have been systemically oppressed to apply for our committees, boards, and panels. This process is administered by the Office of the Executive Director. Submit the application form and all materials to WSBA no later than 5 p.m. PST on April 15, 2024. Filing may be accomplished by emailing the scanned form to barleaders@wsba.org. For questions, please email Volunteer Engagement Advisor, Paris Eriksen, at parise@wsba.org.

Applicant: Fabiola Jimenez
Candidate Statement

As a passionate advocate for empowerment and equity within the legal profession, I am honored to run for the position of Board of Governors Young Lawyer Member At Large Governor in 2024. As the founder of Lawmera, a firm dedicated to empowering the Latino community and nurturing the growth of young attorneys, I bring a unique perspective and commitment to this role. Through Lawmera, I am worked tirelessly to break down barriers and provide opportunities for underrepresented voices in the legal field.

My dedication extends beyond the confines of my firm, as I actively mentor young individuals across the United States, guiding them through the challenges and triumphs of their legal careers. I believe that mentorship is essential in fostering the next generation of legal professionals and ensuring a diverse and inclusive legal community.

If elected, I will continue to champion diversity, equity, and inclusion within the legal profession, striving to create a supportive environment where all young lawyers can thrive and make meaningful contributions. Together, let us build a future where every voice is heard and every individual has the opportunity to succeed.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors
Governor At Large (Young Lawyer) Position
Candidate Profile Form

INSTRUCTIONS

Please complete the below prompts to complete your Candidate Profile form. The information provided in this form will be formatted using WSBA's design team into one pdf. candidate profile document for online WSBA led campaign purposes. This profile form replaces the short biographical statement requirement included in previous application cycles. WSBA may make grammatical and other similar copy edits to be consistent with WSBA's style guide.

Name:	Fabiola Jimenez
Bar Number:	*59223*

Brief Biographical Statement
Please tell us a little about you. (50 words max.)

I am a first-generation Mexican American attorney, driven by a passion for justice and equality. My background fuels my commitment to advocating for marginalized communities. Through law, I strive to empower others and effect positive change in our society.

What is your understanding of the role of the WSBA Board of Governors and how do you intend to fulfill the role and its obligations? (100 words max.)

The WSBA Board of Governors oversees the governance and strategic direction of the Washington State Bar Association. Its responsibilities include setting policies, ensuring adherence to legal standards, and representing the interests of members and the public. As a member of the board, I intend to bring my diverse background and perspective as a first-generation Mexican American attorney to advocate for inclusivity, access to justice, and equitable representation within the legal profession. I aim to collaborate with fellow board members to address the evolving needs of our community and uphold the integrity of the legal profession in Washington State.

Please share an example of how you've demonstrated your understanding and support of the WSBA mission to *protect the public and the members of the Washington State Bar Association, to ensure the integrity of the legal profession and to champion justice.* (100 words max.)

I believe I am demonstrating my commitment to the WSBA mission by establishing a law firm focused on empowering the Latino community in Washington State, particularly in Eastern Washington, where Latino business attorneys are lacking and its where I grew up. Focused on accessible legal aid, I provide tailored services. I also mentor young professionals nationwide, prioritizing higher education. Additionally, I allocate time for pro bono work, underscoring my belief in giving back to the community. This multifaceted approach reflects my dedication to justice, integrity, and inclusivity, serving both the public and fellow members of the bar.

April 15, 2024

Washington Bar Association of Washington
ATTN: Washington Young Lawyers Committee
1325 4th Ave suite 600
Seattle, WA 98101

RE: Letter of Support for Fabiola Jimenez

Dear Washington Young Lawyers Committee:

It is with much enthusiasm that we recommend Fabiola Jimenez (hereafter "Ms. Jimenez") for the position of Board of Governors Young Lawyer Member at Large Governor within the Washington State Bar Association(WSBA). We write this letter as the Washington Leadership Institute Class of 2023 cohort (hereafter "WLI Fellows"). It was our honor and privilege to be fellows alongside Ms. Jimenez. During our fellowship year , we spent countless hours together, discussing difficult and important topics and challenges we face as attorneys, and building our leadership styles and skills. Without a doubt, Ms. Jimenez's lived experience, drive, intellect, and resilience would be an asset for the Board of Governors Young Lawyer Member at Large Position.

We initially met Ms. Jimenez during our first WLI session in January 2023. From the first time anyone meets Ms. Jimenez, you are drawn to her personality, charisma, and kindness. As we continued on our journey through the WLI program, we learned about her non-traditional path to becoming an attorney and all the obstacles she has overcome during her career, including some very personal struggles that she dealt with while in the WLI program. Yet, with courage and the strength to be vulnerable, she shared her story with the hope that others could learn from her experiences and know they are not alone.

Being selected to be a member of the Board of Governors (BOG) is a prestigious and important position as it determines the general policies of the WSBA including approval of its budget annually. Ms. Jimenez would be an important and incredible asset to the BOG. She would bring lived experience, a racial equity lens, and a unique perspective that would allow the BOG to be more aware of the diverse communities the BOG represents.

Aside from what you can see on her application materials, Ms. Jimenez is a wonderful person. She is incredibly warm and treats everyone she encounters with dignity and respect. She easily creates excellent rapport with others, including volunteers, classmates, staff, and clients, and fosters a sense of community and kinship in the spaces she enters. Ms. Jimenez helps people feel "seen," which is an invaluable quality that is so rare. Ms. Jimenez prides herself in giving back as much as she can to her community and colleagues.

Please don’t hesitate to contact us if you have any questions or need more information about Ms. Jimenez.

Respectfully,

Washington Leadership Institute, Class of 2023

Elbert Aull
Brynn Felix
Chelsey Heindel
Hari Kumar
Michelle Morales
Sanaa Nagi
Jessica Rehms
Zaida Rivera
Smriti Chandrashekar
Deanna “Dede” Tran
Paulina Wu

April 10, 2024

Dear WSBA Board of Governors:

My name is Brynn Felix, and I serve as General Counsel and Medical-Legal Partnership Director for a community health center in Kitsap County. I write to highly recommend Fabiola ("Fabi") Jimenez to serve as a member of the WSBA Board of Governors.

Fabi and I were fellows together at the Washington Leadership Institute ("WLI"). Over the course of this intensive, eight-month program, I grew to know Fabi as family. Her resume speaks for itself; she is an accomplished attorney whose experience providing general counsel to businesses has prepared her well to take on the fiduciary responsibilities of a governing-board member. Beyond her professional qualifications, however, Fabi has exceptional interpersonal skills that set her apart as a colleague and leader.

Fabi arrived at each WLI session masterfully prepared. During each session we were challenged to honestly introspect, to think critically, and to discover how we can lean into our individual strengths to serve our legal community. Fabi enthusiastically engaged in discussions, keen to share her reflections. But more importantly, she always arrived eager to hear others' perspectives, driven by her curiosity and genuine interest in others. Fabi instinctively tends toward collaboration and inclusivity, naturally bringing quieter voices into the fold. Not one to avoid difficult discussions, she skillfully embraces these moments as growth opportunities for all involved. Her leadership style blends deep listening and empathy with a strong conscience and voice.

In addition to being a wonderful colleague with a sharp mind and wit, Fabi brings to this position an impressive record of and commitment to mentorship. As a first-generation Latina attorney from rural Eastern Washington who has defied the odds, she tirelessly mentors youth, young women, and mentees of color who are interested in joining our profession. She cares about people and about the future of our bar. For these reasons, she would be an outstanding addition to the WSBA Board of Governors.

Sincerely,

Brynn E. Felix

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form
At Large Governor (Young Lawyer)

A Young Lawyer is defined in the WSBA Bylaws as an Active lawyer member of the Bar are considered a young lawyer until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member first was admitted to practice as a lawyer in any state, whichever is later.

All Application materials must be received by 5 p.m. PST on Wednesday, April 15, 2024.

INSTRUCTIONS

1. Review all information regarding board service, the application and the election processes online here.
2. Complete this application form. If you are nominating someone else, ask them to sign it below.
3. Complete other requested materials, see website for more information.
4. Letters of Support (if desired) can be submitted with your materials or separately. Letters of support should be emailed to barleaders@wsba.org no later than 5:00 pm PST April 15, 2024. Late materials will ***not*** be accepted.
5. Email the signed form and materials to barleaders@wsba.org.

Applicant Information	
Name	Joseph R. M. Ortiz
WSBA Bar #	61454
Email Address	[redacted]
Phone Number	(520)-891-8131

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned Active member of the Washington State Bar Association, am running for the office of Governor At Large.

Joseph Robert Moreno Ortiz	61451
Name of Candidate (please print)	WSBA Bar #

Signature of Nominator (if relevant)	WSBA Bar #

Signature of Candidate

The WSBA values diversity and inclusion, and encourages Black, Indigenous and people of color, women, people from the LBGTQ communities, people with disabilities, and members of other groups who have been systemically oppressed to apply for our committees, boards, and panels. This process is administered by the Office of the Executive Director. Submit the application form and all materials to WSBA no later than 5 p.m. PST on April 15, 2024. Filing may be accomplished by emailing the scanned form to barleaders@wsba.org. For questions, please email Volunteer Engagement Advisor, Paris Eriksen, at parise@wsba.org.

Personal Statement:

I want to be the representative of the people. The voice that shouts out what the new lawyers feel. I have always believed that the best representation is direct representation, and I want to carry that into the Board of Governors. I will listen to you and do everything in my power to challenge the current system to make it better for generations to come.

I currently work for the Kitsap County Prosecutor's Office. I've known I wanted to go into public service my whole life. My office is filled with attorneys who believe in restorative justice and have taught me so much about the good we can do as lawyers. I want to take this passion and drive that I have in my day-to-day life and use it to make the lives of all the people who interact with the justice system better. I know I do that in my work, and I know I can do even more as the Young Governor.

I thrive in groups; I am a social person. I want to use that to connect with the people I represent and the public I serve.

Best,
Joseph Ortiz
Deputy Prosecuting Attorney
Kitsap County Prosecutor's Office
614 Division St.
Port Orchard, WA 98366
[redacted]

WASHINGTON STATE BAR ASSOCIATION

Board of Governors
Governor At Large (Young Lawyer) Position
Candidate Profile Form

INSTRUCTIONS

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Name:	Joseph R. M. Ortiz
Bar Number:	61454

Brief Biographical Statement
Please tell us a little about you. (50 words max.)

My name is Joseph; all of my friends call me Joey. I went to ASU for undergrad. I got my law degree at Seattle U Law. I am a first-generation lawyer. I'm an openly gay, Hispanic, EDM-loving, beer-drinking, goofball who cares about our community and making an impact.

What is your understanding of the role of the WSBA Board of Governors and how do you intend to fulfill the role and its obligations? (100 words max.)

The Board of Governors serve the Washington legal community. That is all there is to it. Planning, strategizing, and implementing ideas and policies that should improve the quality of life of lawyers we represent. A successful board strengthens everyone's practice and does it by putting the community first.

I plan to fulfill this role and its obligations by listening to the people I represent. The young lawyers, the next generation, are filled with new ideas. We see issues and spotlight them. I will be vocal about the problems young lawyers see; I will make it my goal to solve them.

Please share an example of how you've demonstrated your understanding and support of the WSBA mission to *protect the public and the members of the Washington State Bar Association, to ensure the integrity of the legal profession and to champion justice.* (100 words max.)

I started law school in the middle of covid. I was cold-called over Zoom. It was a challenging, stressful time for my entire class, and the legal community as a whole. Isolated from one another and navigating a novel situation. I didn't want to go through it alone. I asked one student to sit and talk about class. By the end of the year, I had brought my cohort together. If finding a way to bring us together to survive law school and become new champions of justice isn't ensuring the integrity of our profession, I don't know what is.

Kitsap County District Court

CLAIRE A. BRADLEY
Presiding Judge
Department No. 1
614 Division Street, MS-25
Port Orchard, WA 98366

(360) 337-4468
Fax (360) 337-4865
e-mail: cabradle@kitsap.gov

April 12, 2024

Washington State Bar Association Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101
barleaders@wsba.org

Re: Joseph M.R. Ortiz Application for WSBA Governor At Large (Young Lawyer)

Greetings–

I am writing to enthusiastically recommend Joseph Ortiz for WSBA Governor At Large (Young Lawyer) position. I believe that Mr. Ortiz has the demeanor and integrity necessary to be an excellent Governor At Large for the WSBA.

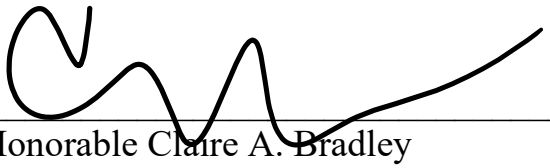
I met Mr. Ortiz when he began practicing law in the Kitsap County District Court as a Deputy Prosecuting Attorney. The District Court criminal calendars and issues before the court can be extremely busy, fast paced and at times can be complex. Mr. Ortiz consistently does an excellent job with the cases to which he is assigned. He argues strenuously (but professionally) for his position, always focusing on the law and court rules in support of his arguments. For a relatively new attorney, he has far surpassed all expectations for what a Deputy Prosecutor should be. His courtroom demeanor, respect for litigants and attorneys and his command of the law is far beyond what someone with his experience typically possesses. His ethics are beyond reproach.

In my opinion, Mr. Ortiz has the right temperament to be an effective Governor At Large. He is approachable, thoughtful and can lighten a conversation with humor. He is equally adept at discerning complex matters, and is a quick study.

It is my personal opinion based on my observations that Mr. Ortiz is well-qualified for a Governor At Large position. This reference and recommendation is personal, and should not be perceived as an attempt to exert pressure by reason of my judicial office.

Sincerely,

DATED this 12th day of April, 2024.



The Honorable Claire A. Bradley

Washington State Bar Association,

My name is SarahAnne Jahns, and I am a Juvenile Prosecutor for Kitsap County. I am writing this letter in support of Mr. Ortiz's application for the Young Lawyer Position at the Washington State Bar Association.

I have known Mr. Ortiz for a couple of months now as a colleague. Mr. Ortiz currently works in our District and Municipal Court Division. Although I have not known Mr. Ortiz for very long, he has shown a great interest in serving our local community. Recently, Mr. Ortiz and I participated in Career Day at Cedar Heights Middle School in Port Orchard. We were invited to come to the school and present to the children what we do. Mr. Ortiz and I created a presentation and a group activity for the kids. Our group activity consisted of a mini mock trial for the kids to act out. There were props and scripts involved.

From the beginning, Mr. Ortiz was very hands on with the mock trial. He helped organize where the kids needed to stand and directed them on what to do. He made it fun for the kids by acting out the part as judge. The kids loved how goofy he was!

Through this experience, Mr. Ortiz gave the kids confidence to participate by helping them read and understand their scripts. Mr. Ortiz was incredibly kind, patient, and listened to them. Especially, when a child became embarrassed because he could not read his lines.

The kids looked up to Mr. Ortiz and asked him several questions about his profession. A few of the kids even said they wanted to be lawyers when they get older. Mr. Ortiz has made a lasting impact on those kids by getting them to start thinking about what they want to do when they become adults.

The person who fills the Young Lawyer Position should be a person that not only helps our bar community, but also works with the local communities. Therefore, I am in strong support of Mr. Ortiz's application for the Young Lawyer Position at the Washington State Bar Association.

SarahAnne Jahns

Kitsap County Prosecuting Attorney
Chad M. Enright

CRIMINAL DIVISION

Ione George
Chief of Staff

Cami Lewis
Felony & Juvenile
Division Chief

Justin Zaug
District & Municipal
Division Chief

Rebecca Graunke
Criminal Program
Manager

April 11, 2024

To Whom It May Concern:

I am writing on behalf of Joseph "Joey" Ortiz to express my unreserved recommendation for the At-Large (Young Lawyer) position on the Board of Governors. Joey started with the Kitsap County Prosecutor's Office in November 2023 as a brand new attorney. In the time that he has been with the office, Joey has been assigned to the District/Municipal Division prosecuting misdemeanors and gross misdemeanors, which includes working within a restorative justice model that emphasizes avenues of rehabilitation.

Joey brings enthusiasm and energy to his responsibilities as deputy prosecuting attorney. While young and new to the job, Joey regularly demonstrates a willingness to educate himself, to accept constructive criticism, and to learn from mistakes; Joey owns mistakes and uses the experience as a building block, taking what is often only viewed as a negative and turning it into a positive.

Moreover, our office emphasizes seeking out and cultivating different opinions from colleagues because there is always more than one way to accomplish something. Joey thrives in this type of atmosphere, clearly enjoying the process of synthesizing different perspectives into a more complete picture.

Finally, Joey works in an adversarial system where it is easy to become accustomed to an "us" versus "them" mentality. Joey works hard to establish respectful working relationships to allow the parties to freely communicate and have forthright negotiations, which promotes reaching a just resolution.

If chosen for the At-Large (Young Lawyer) position on the Board of Governors, I am confident that Joey will be a splendid trustee, bringing the excitement and energy particular to new attorneys.

Please feel free to contact me if you have any questions. I can be reached at (360) 337-4922 or email me at jzaug@kitsap.gov.

Sincerely,

Justin B. Zaug
Chief, District/Municipal Court Division
Kitsap County Prosecutor's Office