

WASHINGTON STATE
BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

September 6-7, 2024

Meeting Materials

Great Wolf Lodge Conference Center,
Grand Mound, WA
Zoom and Teleconference



**Board of Governors Meeting
Grand Mound, WA
September 6-7, 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:

Friday, September 6th : Meeting ID: 824 3767 4155 Passcode: 971741
<https://wsba.zoom.us/j/82437674155?pwd=gnZwbFBCvejRkU38l9MfOcaIlLgSo.1>

Saturday, September 7th : Meeting ID: 839 2372 8698 Passcode: 405637
<https://wsba.zoom.us/j/83923728698?pwd=TgpiMLlana8WbVdQYlTpx6Jx6jxQSm.1>

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

FRIDAY, SEPTEMBER 6, 2024

1:45 PM – 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.

STANDING REPORTS

PRESIDENT’S REPORT

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SPECIAL REPORT & PUBLIC COMMENT

UPDATE ON THE PROPOSED PILOT PROJECT FOR ENTITY REGULATION, Practice of Law Board Chair Lesli Ashley & Practice of Law Board Member Craig Shank 25

PUBLIC COMMENT ON THE PROPOSED PILOT PROJECT FOR ENTITY REGULATION

AGENDA ITEMS & UNFINISHED BUSINESS

- BUDGET & AUDIT COMMITTEE ITEMS**, Treasurer Francis Adewale and Director of Finance Tiffany Lynch
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- MEMBER STATUS WORKGROUP REPORT & FIRST READ ON PROPOSED BYLAW AMENDMENTS**, Chair Kari Petrasek and Chief Regulatory Counsel Renata Garcia..... 135

SWEARING IN OF OFFICERS AND GOVERNORS

- SWEARING IN OF FY25 GOVERNORS AND OFFICERS**, Chief Justice Steven C. González

5:15 PM – RECESS

SATURDAY, SEPTEMBER 7, 2024

9:00 AM – RESUME MEETING

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 July 18-19, 2024, Board of Governors Meeting Minutes 203
- Approve the 2025 Keller Deduction 208
- Approve Charter Amendments to Change the STAR Committee to a Council..... 216
- Approve Sending Proposed Technical Amendments to APR 4 to the Washington State Supreme Court to Implement the Transition to the NextGen Bar Exam..... 226
- Approve Proposed Amendments to WSBA Bylaws to Remove Pre-Suspension Certified Mail Requirement (Second Read).....232
- Approve Proposed Amendments to WSBA Bylaws Re Out-of-State Member Voting (Second Read) 243
- Approve Proposed Amendments to WSBA Bylaws to Add an Inactive License Fee Exemption Due to Significant Health Condition (Second Read) 258
- Approve Proposed Amendments to WSBA Bylaws Re MCLE Requirements to Return to Active Status (Second Read) 268
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AGENDA ITEMS & UNFINISHED BUSINESS

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 - **Amendments to the WSBA Standards for Indigent Defense Services Re Family Defense Services**, Council on Public Defense Subcommittee Chair Tara Urs, Special Counsel for the King County Department of Public Defense 364
 - **Amendments to the WSBA Standards for Indigent Defense Standards Re Appellate Caseloads**, CPD Subcommittee Chair Gregory Link, Director of the WA Appellate Project ... 525

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- INTERVIEW CANDIDATE(S)** 607
- SELECT FY25-27 DISTRICT 5 GOVERNOR**

AGENDA ITEMS & UNFINISHED BUSINESS

- FY25 ORGANIZATIONAL PRIORITIES**, Executive Director Terra Nevitt 536

EXECUTIVE SESSION

- EXECUTIVE DIRECTOR EVALUATION**

12:00 PM – RECESS FOR LUNCH

SPECIAL REPORT

- WSBA DEMOGRAPHIC STUDY AND UPDATE ON THE PLANNING PROCESS FOR A NEW DIVERISTY EQUITY AND INCLUSION PLAN**, Dr. Ben Kim-Gervy of KGR-C LLC, DEI Council Co-Chair Raina Wagner, and President and DEI Council Co-Chair Sunitha Anjilvel 626

AGENDA ITEMS & UNFINISHED BUSINESS

- POLICY ON LIVED EXPERIENCE EXPERT STIPENDS**, Executive Director Terra Nevitt and Chief Equity & Justice Officer Diana Singleton..... 701

ANNUAL MEETING OF THE WASHINGTON STATE BAR FOUNDATION

- APPROVE FY25 ROSTER OF TRUSTEES**, WSBF President Tracy Flood 542

GOVERNOR ROUNDTABLE

GOVERNOR ROUNDTABLE

MEETING FEEDBACK

MEETING FEEDBACK

4:00 PM – ADJOURN

INFORMATION

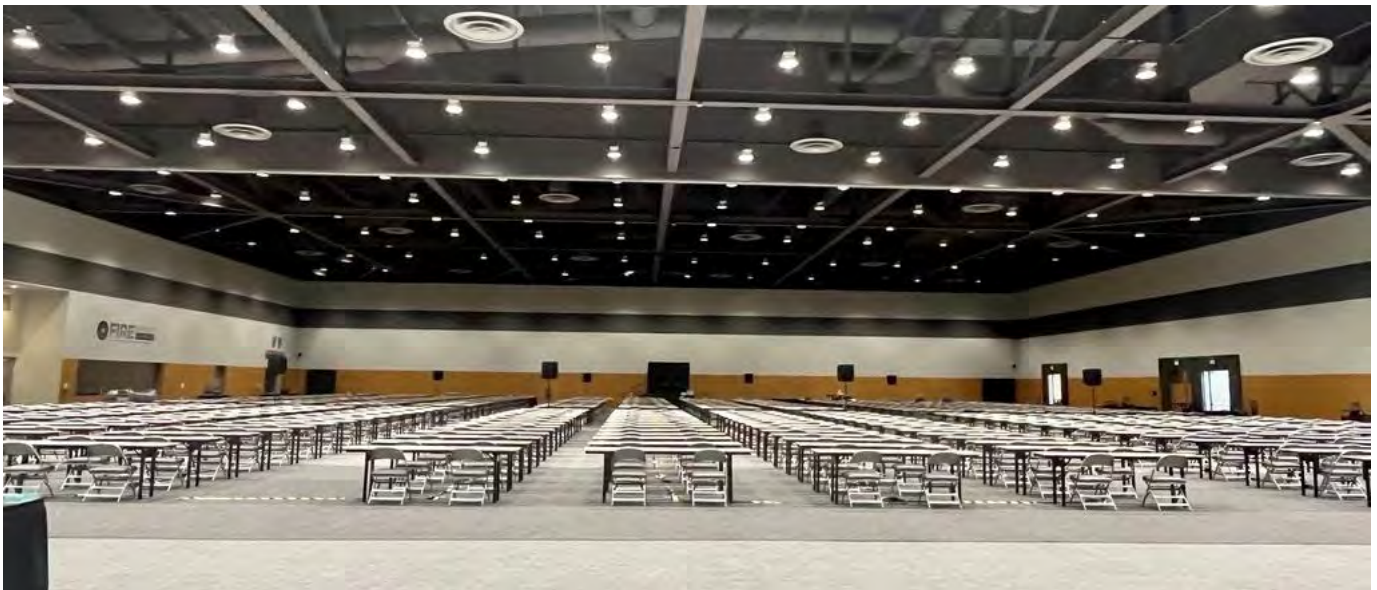
- Monthly Financial Reports, Unaudited 544
- General Information 588

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 16, 2024
RE: Executive Director's Report

Summer Bar Exam

On July 29, WSBA staff - 28 people to be exact - made their way to Tacoma to administer the LPO and attorney bar exams. This was our first time returning to Tacoma since the pandemic. While we saw a reduction in the number of LPO candidates with a total of 31 examinees as compared to 60 in July 2023, the opposite was true for the bar exam, which was administered to 735 candidates (the highest number since 2017). The number of bar exam applicants decreased in 2020 when the Court granted diploma privilege and has been steadily increasing since then (1,042 in 2021; 1,111 in 2022, and 1,141 in 2023).



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.” Recruiting for the Implementation Steering Committee closed on August 9, and we are now reviewing applications and will make recommendations for appointment by the Washington Supreme Court by the end of August. The Steering Committee will be comprised of individuals and communities that will be impacted by and are necessary to

help carry out implementation of the new pathways. The role of the Steering Committee will be to provide high-level direction and decision-making for the implementation process. The initial task for the Steering Committee will be to establish subcommittees, for which we will be recruiting individuals with specific expertise, and the capacity, to conduct research and develop the policies necessary for implementation. More information is available [here](#).

Practice of Law Board Proposed Beta Test of Entity Regulation

One of WSBA's current strategic priorities is to assess technology-related opportunities and threats and to determine its role with respect to regulation, consumer protection, and support for legal professionals. In furtherance of that priority, in November 2023, the Board voted to support conducting a beta test (now referred to as a pilot project) of entity regulation using the Framework for Data-Driven Legal Regulatory Reform created by the Practice of Law Board (POLB).¹ On July 17, the POLB approved a draft order that, if approved by the Court, would provide the authority and establish the roles and responsibilities for executing the pilot project. In July, we also began to develop a communications and outreach plan to ensure that there is an opportunity for review of and feedback about the draft plan before it is submitted to the Court. This plan includes providing an opportunity for member and public comment during the September Board of Governors meeting. Feedback can also be submitted to entityregulationpilot@wsba.org. More information, including the draft order and a frequently asked questions document, is available [here](#). The goal is to send the proposed order and feedback to the Court at the end of September as a joint recommendation of the POLB and WSBA.

Volunteer Recruitment Updates

We have largely completed our annual volunteer recruitment efforts, with most volunteer applications closing on May 31. In an effort to increase applications overall, as well as ensure timely appointments, we have tightened up our application process, made use of both broad and targeted recruitment messages through various WSBA channels, offered an incentive for timely applications, and implemented an e-signature campaign among all WSBA staff. I am pleased to share the results of this year's efforts:

- By the deadline, we received 127 applications, compared to 99 applications by the initial deadline last year. Our applicant pool continues to grow as we have also been able to accommodate some late submissions.
- 50% of applicants are new potential volunteers (not currently serving).
- 25% of the applicants first expressed interest through our Volunteer Interest Form which is regularly monitored by Paris Eriksen who contacts each respondent individually customizing the communication based on their specific expressed interests. We received over 80 responses to this form (more than the last two years combined), 40% of which ultimately applied for a volunteer position.

Overall, we see these results as a very positive sign, which runs counter to national trends. According to the U.S. Census Bureau and AmeriCorps, volunteerism continues to decline across the country and is at its lowest point in

¹ Practice of Law Board, *A Framework for Data-Driven Legal Regulatory Reform*, 14.2 SEATTLE J. TECH., ENV'T & INNOVATION L. 1 (2024), <https://digitalcommons.law.seattleu.edu/sjteil/vol14/iss2/2/>.

three

decades.

One of the added benefits of timely recruitments and appointments is that it opens up the opportunity to conduct orientations and onboarding prior to (or soon after) the beginning of a volunteer term (usually October 1). Having Orientations and onboarding early helps to ensure that new and returning volunteers better understand the organization and their volunteer role and responsibilities before their volunteer work begins.

Although most recruitment for FY25 is complete, we will reopen the application process to recruit for specific needs. For any questions about this process, please contact Paris Eriksen, parise@wsba.org.

National Conferences

This month I traveled to Chicago to attend the annual conferences of the National Association of Bar Executives and the National Conference of Bar Presidents, which run sequentially and in connection with the Annual Meeting of the American Bar Association. Many of the sessions were focused on issues related to our current Organizational Priorities (Rural Practice, Belonging, Technology, Wellness), which was not only useful, but a reminder that we are appropriately focused on some of the most significant issues facing the profession. I was particularly inspired by the Kansas City Metropolitan Bar Foundation's Student Law Academy, which places high school students in paid legal internships, matches them with mentors, and engages them in education about the legal system and legal careers. The program is not only providing critical civics education but has already inspired many of its graduates to pursue a legal career.

Attachments

FY24 Q3 Fiscal Update

FY24 Q3 Budget Reallocations

Quarterly Discipline Report

Litigation Report

Media Report

[Member Demographics Report](#)

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Director of Finance

Subject: FY 2024 Third Quarter Financial Update

Date: July 25, 2024

GENERAL FUND

The June 30, 2024 financials marks the end of the third quarter of fiscal year 2024. With 75% of the year complete, the General Fund is outperforming against budget with revenue ahead of budget, indirect expenses on target, and direct expenses under budget. The General Fund net income is \$1,214,424 as of June 30, 2024. Below is a narrative which highlights the major variances and estimates for year-end.

REVENUE

Total revenue is ahead of budget at 80% (+\$1,164,927) which includes the following areas of note:

- a. *Licensing Fees* are slightly under budget at 72%. The majority of fees were collected in January and February and the remaining revenue will consist of license fees for newly admitted members which is trending under budget expectations. We anticipate total fees to come under budget by \$150,000 to \$200,000 (~1%).
- b. *Recovery of Discipline Costs* continues to be under budget at 38%. Revenue collected is difficult to predict as the amount and timing of collections is dependent upon individual action largely outside the control of WSBA. We expect that this will remain under budget by approximately \$50,000 (50%) at year-end.
- c. *Interest income* is over budget for the year at 122%. The budget was adjusted during the reforecast process; however, rates continue to remain stronger than expected. We anticipate continuing to earn interest at a similar rate each month for the remainder of the fiscal year, resulting in approximately \$300,000 over the reforecast budget.
- d. *Pro Hac Vice* is trending ahead of budget at 92%. Revenue is collected based on timing of applications which can vary. It is expected we will continue to receive revenue during the last quarter and end the year over budget by approximately \$20,000.
- e. *MCLE Revenue* is over budget for the year at 106% and will likely continue to collect additional application fees for the remaining quarter of the year resulting in approximately \$200,000 more revenue than budgeted.
- f. *New Member Product Sales* is over budget for the year at 244%. While the majority of product sales has been collected, we expect minimal additional revenue for the last quarter and estimate ending the year approximately \$60,000 ahead of budget.
- g. *Reimbursement from Sections* is over budget for the year at 122%, however the revenue

recorded year-to-date represents a full year of membership for Sections. WSBA's membership year is a calendar year (January to December), which is different from our fiscal year (October-September). Because of this difference in years, each September we accrue one quarter of the revenue for the next fiscal year. Once this is completed for FY24, we will be aligned with the budget.

EXPENSES

Total expenses are under budget by \$777,078 (-3%), which includes the following areas of note:

- a. *Direct Expenses* are under budget by \$492,708 (-17%). Direct program costs such as board/council/taskforce meetings, event expenses, supplies, staff travel, etc. vary depending on the timing of activities. Activities and events with Q4 spending include the bar and LPO exams (July), July and September Board of Governors meetings, President's Reception, remaining APEX events, remaining Moderate Means Grant funding distributions, and annual training and conferences for staff. Areas where we expect to come in over budget include Disability Accommodations in the Admissions cost center due a significant increase in the number of bar exam applicants requesting accommodations for the July exam, and Court Reporter costs in the Discipline cost center due to an increased number of cases requiring depositions and going to hearings this year.
- b. *Indirect Expenses* are slightly under budget at 74% with a savings variance of \$284,370.
 - i. Salaries, Taxes, & Benefits have a combined savings of \$91,079. Salaries expense is running higher than budgeted mainly due to increased cost of temporary employees hired to support positions that are currently vacant and in the process of being filled and lower than anticipated capital labor which acts as an offset to salary expense. Benefits and taxes are running under budget, with the majority of savings in medical and retirement benefits.
 - ii. Other Indirect Expenses had a combined savings of \$193,919 mainly due to lower cost YTD for legal fees, furniture and equipment, and Computer Pooled Expenses (IT direct expenses). We do expect some legal fees to be paid later in the fiscal year and IT direct expenses will likely come in on budget. Savings will remain in Move/Downsizing expenses and furniture and equipment as those funds will remain unspent and rolled forward into the FY25 budget.

CONTINUING LEGAL EDUCATION (CLE)

The CLE fund includes CLE Seminars, CLE Products, and Deskbook cost centers which collectively have budgeted a surplus of \$113,033 for FY 2024. June 30, 2024 results reflect an actual surplus of \$282,833. Revenue is higher than budget by \$71,667 (+4%) caused by timing of earlier seasonal revenue collect in Q1. Expenses overall are under budget by \$126,391 (-8%), mostly due to lower expenses from timing of direct expenses for seminars and write-off of obsolete deskbook inventory.

CLIENT PROTECTION FUND (CPF)

The Client Protection Fund (CPF) budgeted a surplus of \$22,516 for FY 2024. Actual results as of June 30, 2024 reflect a surplus of \$610,522. Revenue is over budget for the year by \$51,203 (+7%) for all sources. Interest income, as noted under the General Fund, continues to be strong and will likely come in over budget by approximately \$100,000. The majority of member assessments have been collected; any

remaining revenue collected are for newly admitted members which tends to be minimal in the last quarter. Overall expenses are under budget by \$319,241 (-72%), mainly due to direct expenses for Gifts to Injured Clients which are paid out towards the end of the fiscal year.

SECTIONS FUND

The Sections Operations cost center represents the collective total of financial activity for all 29 sections. Sections budgeted a loss of (\$328,603) for FY 2024. Actual results as of June 30, 2024 reflect a surplus of \$28,119. Remaining revenue will come in the form of seminar profit sharing which occurs in September, and the last quarter typically includes more expenses for various section events.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Terra Nevitt, Executive Director

Date: July 12, 2024

Subject: FY 2024 Budget Reallocations for Q3

Background

WSBA Fiscal Policies 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.”

Acting President Anjilvel was notified of the monthly reallocations on May 13, June 10, and July 12. There were no reallocations for the month of June.

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 June 30th are \$109,548 (0.41% of annual operating budget).

FY24 Budget Reallocations for Q3

1. *WYLC Outreach Events*- Funds were reallocated to provide food and non-alcoholic refreshments for an after-bar exam social for the July exam takers in the amount of up to \$2,000. This was not included in their original budget plans for WYLC Outreach Events; however, funds were available for reallocation from the WYLC Scholarships budget of \$5,000, none of which will be spent in FY24.
2. *Consulting Services*- Funds were reallocated for consulting services in the Licensing and Membership Records cost center budget to support technical development of software functionality to include status changes for members to go from an inactive to active status. The estimated cost is \$12,000 and this was not included in their original budget plans; however, funds were available for reallocation from the RSD FTE Staff Conferences & Training budget of \$19,500, of which \$5,913 has been spent this year and much of the remaining budget will go unused in FY24.

MEMO

To: Terra Nevitt, WSBA Executive Director
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel
Date: August 7, 2024
Re: Quarterly Discipline Report, 2nd Quarter (April – June) 2024

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 2nd Quarter 2024. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2024 Discipline System Annual Report.

B. 2024 Public Dispositions & Other Information¹

• **Public Dispositions**

Disbarments:

Olga V. Efimova, #52498 (Stipulation)

Michael Graham, #37391 (Stipulation)

John O’Neill Green, #33827 (Stipulation)

Kristi Pimpleton, #34419

Robert Jess Taylor-Manning, #21890

Suspensions:

Gregg Eugene Bradshaw, #21299, sixty-days, (Stipulation)

¹ Names in red font denote discipline occurring in the current reporting quarter.

Matthew W. Butler, #27993, three-years (*Stipulation*)
Michael Olufemi Ewetuga, #37596, six-months suspension
F. Dana Kelley, #17460, 30-day suspension (*Stipulation*)
James Dewitt McBride II, #1603, one-year

Resignations in Lieu of Discipline:

Nicholas George, #20490
Robert Scott Huff, #20507
Hugo Cornelius Johnson, #45342
Julie A. Vance, #32189

Reprimands:

Ryan M. Best, #33672 (*Stipulation*)
Lavette Nadine Holman, #41588 (*Stipulation*)
Justin C. Osemene, #28082 (*Stipulation*)
Osborn, Gerald T., #13712 (*Stipulation*)
Steven Turner, #33840 (*Stipulation*)

Reciprocal Discipline:

Faiyaz A. Dean, #34322, Disbarment (British Columbia)
Marc A. Eckardt, #30690, Disbarment (British Columbia)
John O'Neill Green, #33827, Disbarment (Texas)
Renee Elizabth Rothauge, #20661, Reprimand (Oregon)
Nicholas Smith, #46386 , Three-year Suspension (Arizona)
Adam Michale Starr, #45762, Reprimand (Oregon)
Glenn E. Von Tersch, #29154, Disbarment (USPTO)

• **Interim Suspensions**

ELC 7.1: Interim Suspension for Conviction of a Crime

Lee Howard Rousso, #33340

ELC 7.2: Interim Suspension in Other Circumstances

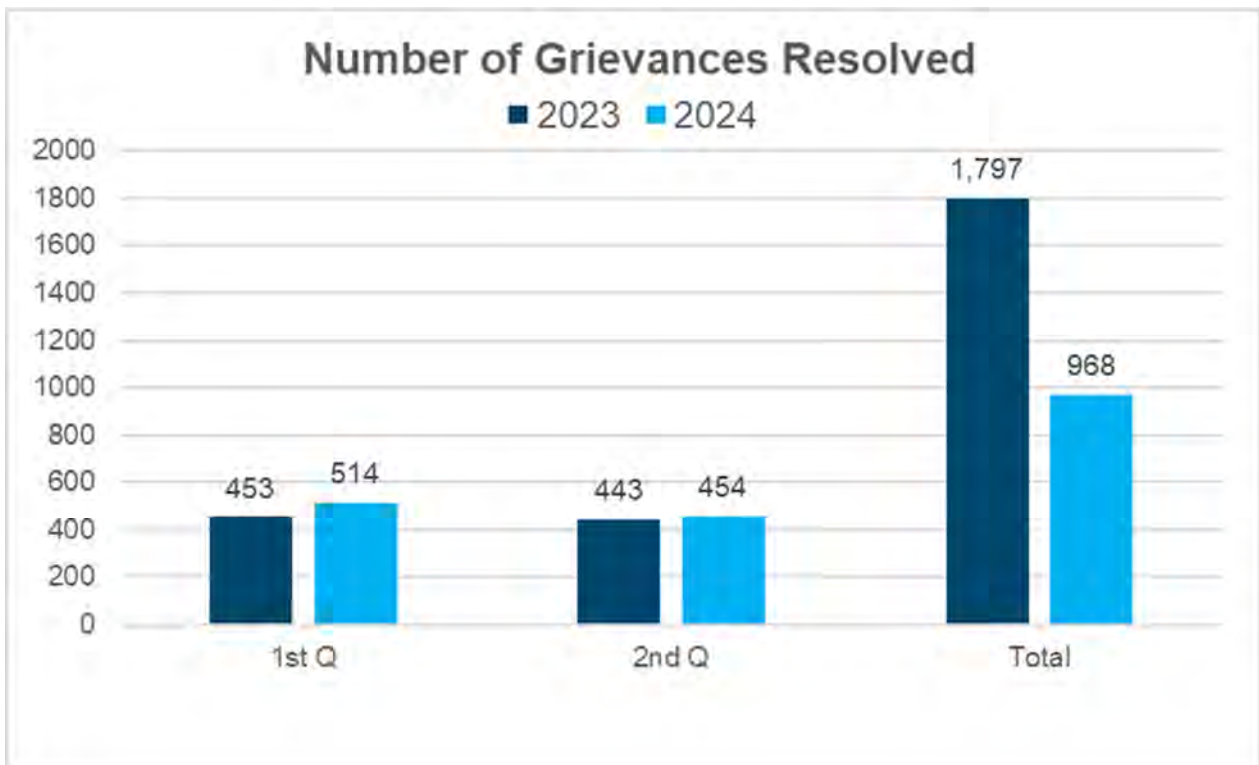
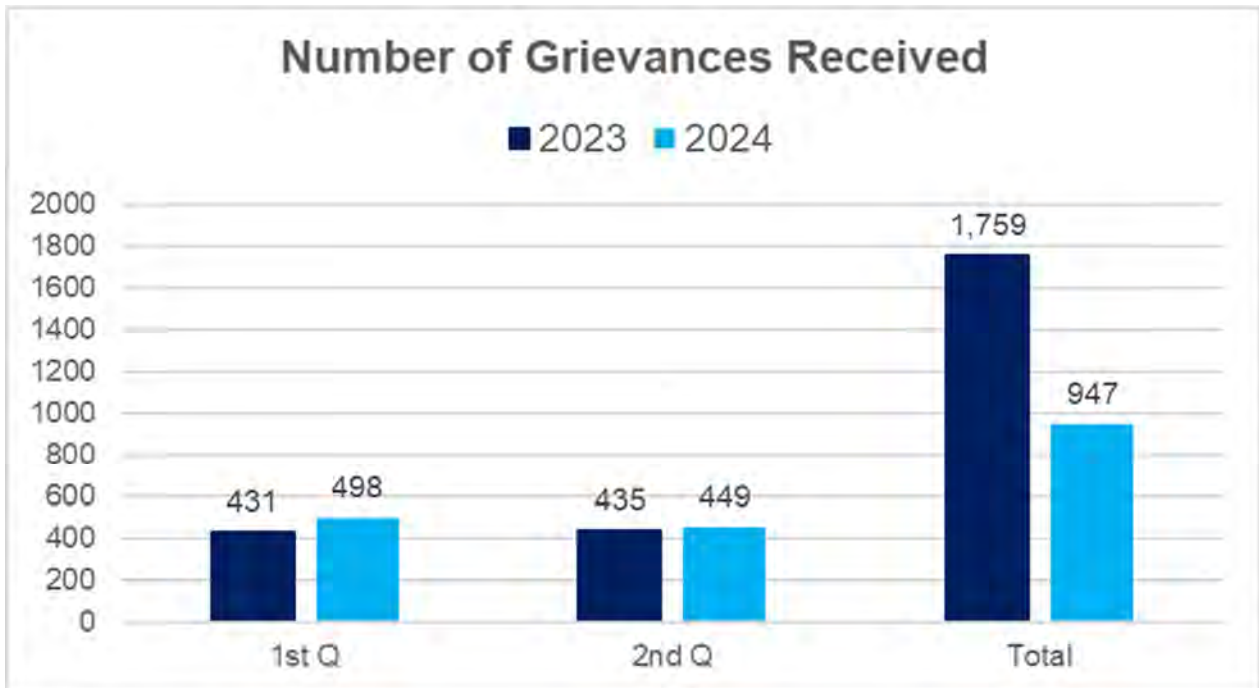
Christina Elaine King, #39431

Nathan L. McAllister, #37964

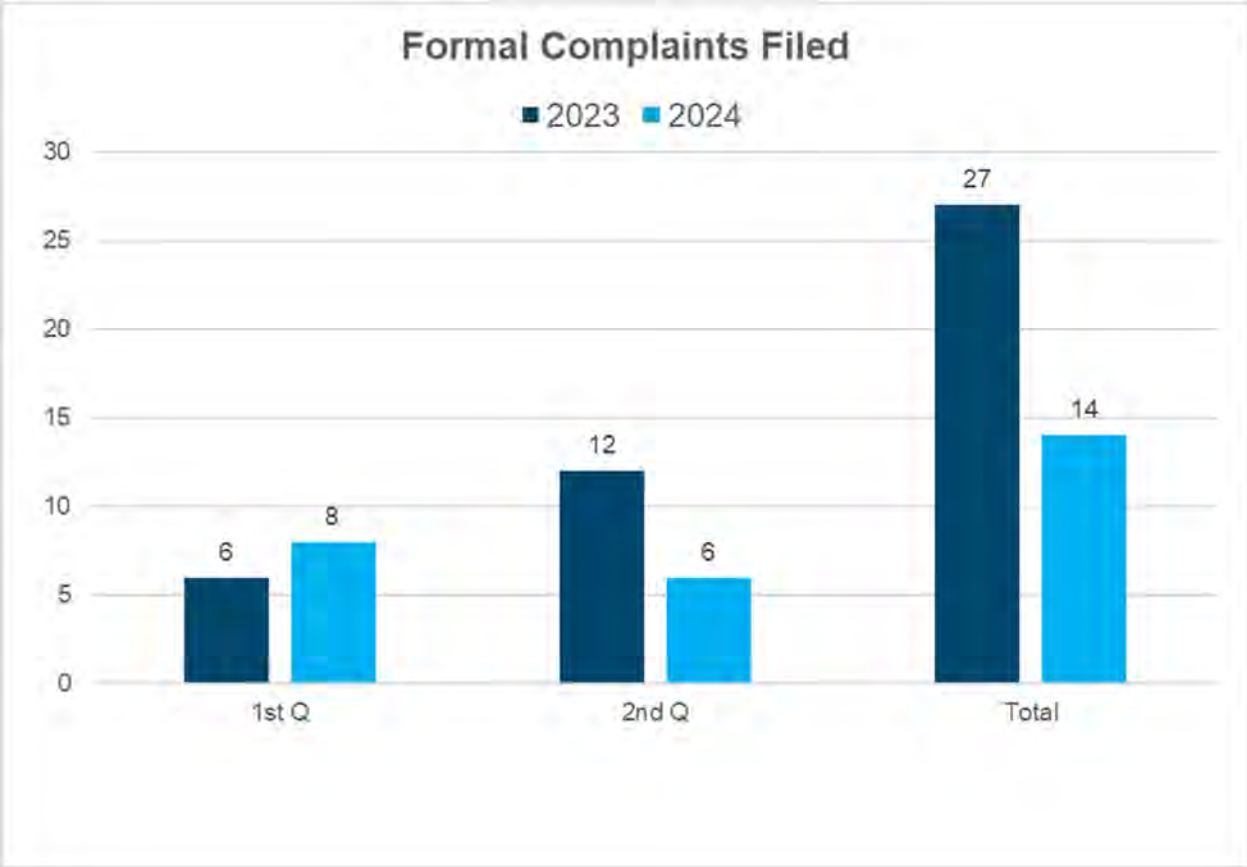
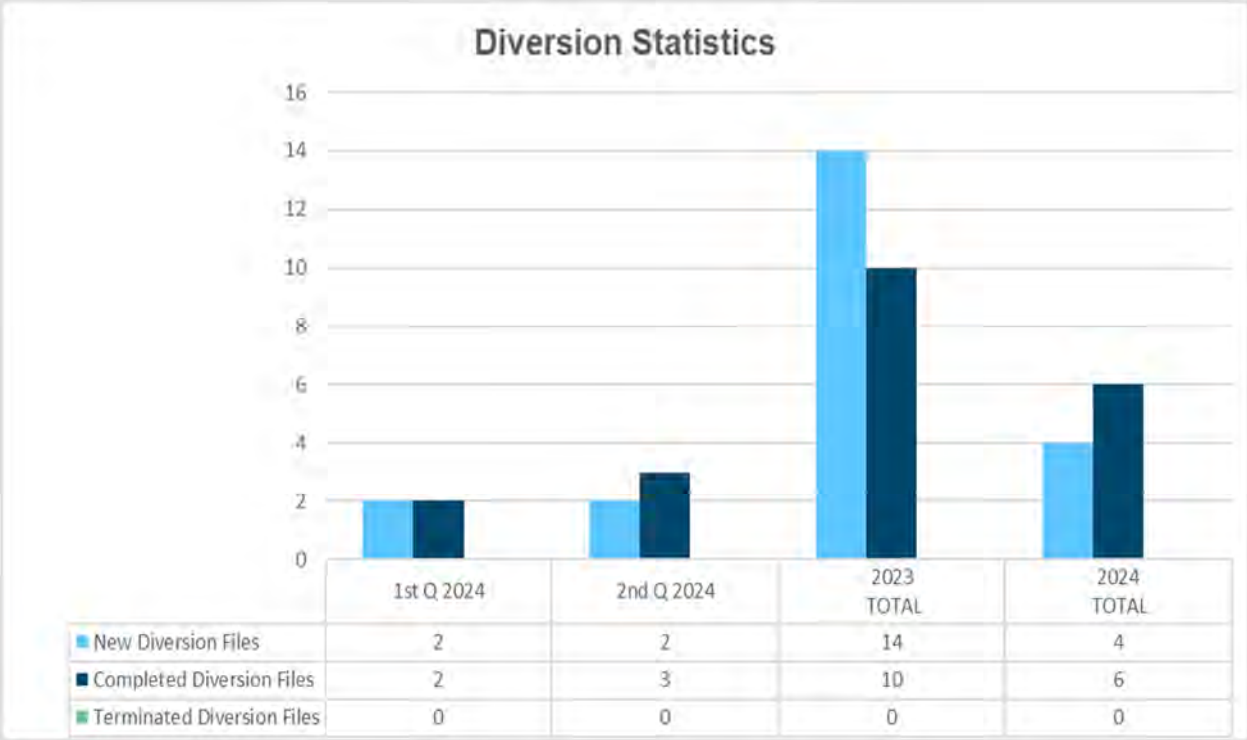
ELC 7.3: Automatic Suspension When Respondent Asserting Incapacity

Linda Beryl Lee, #10762

C. Grievances and Dispositions²

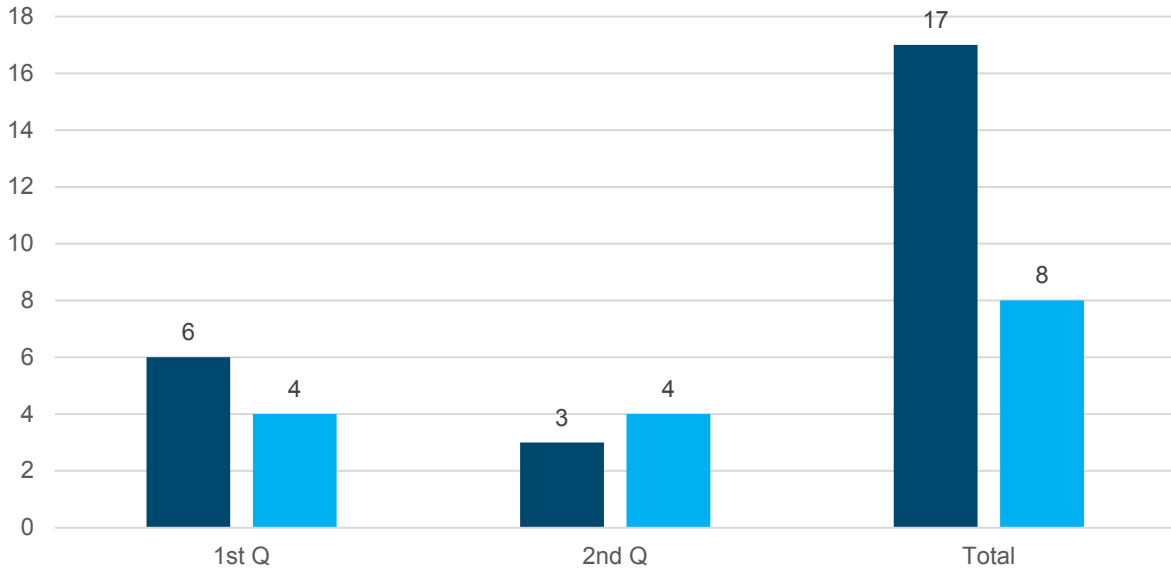


² These figures may vary from subsequent quarterly reports and statistical summaries owing to limitations on data availability at the time of issuance of these quarterly reports.



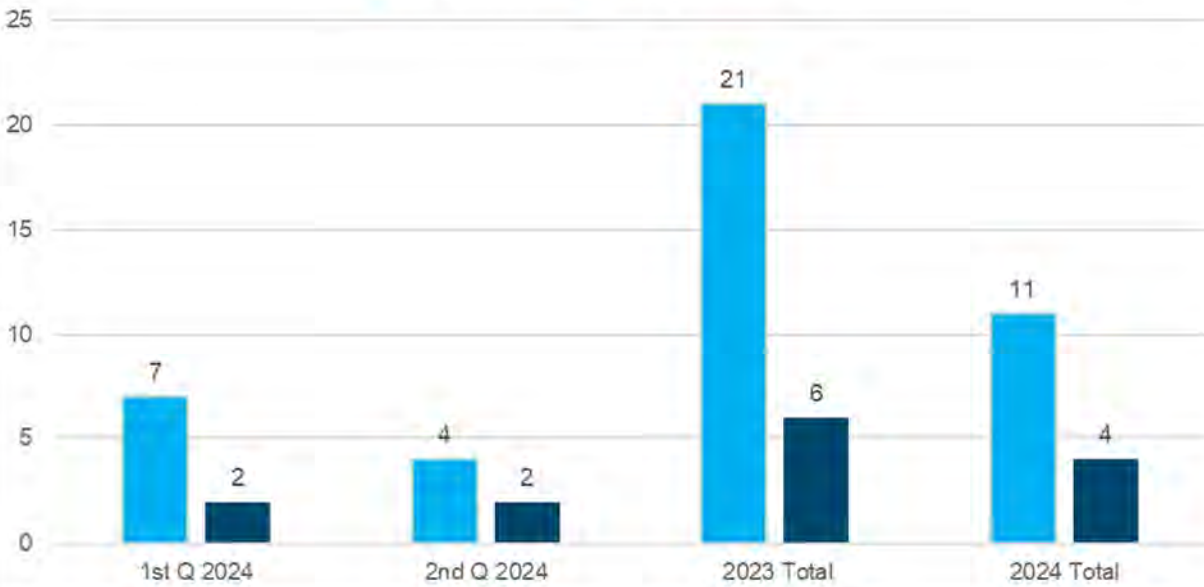
Reciprocal Discipline Files Opened

■ 2023 ■ 2024



Stipulations and Resignations in Lieu

■ Stipulation ■ Resignation in Lieu



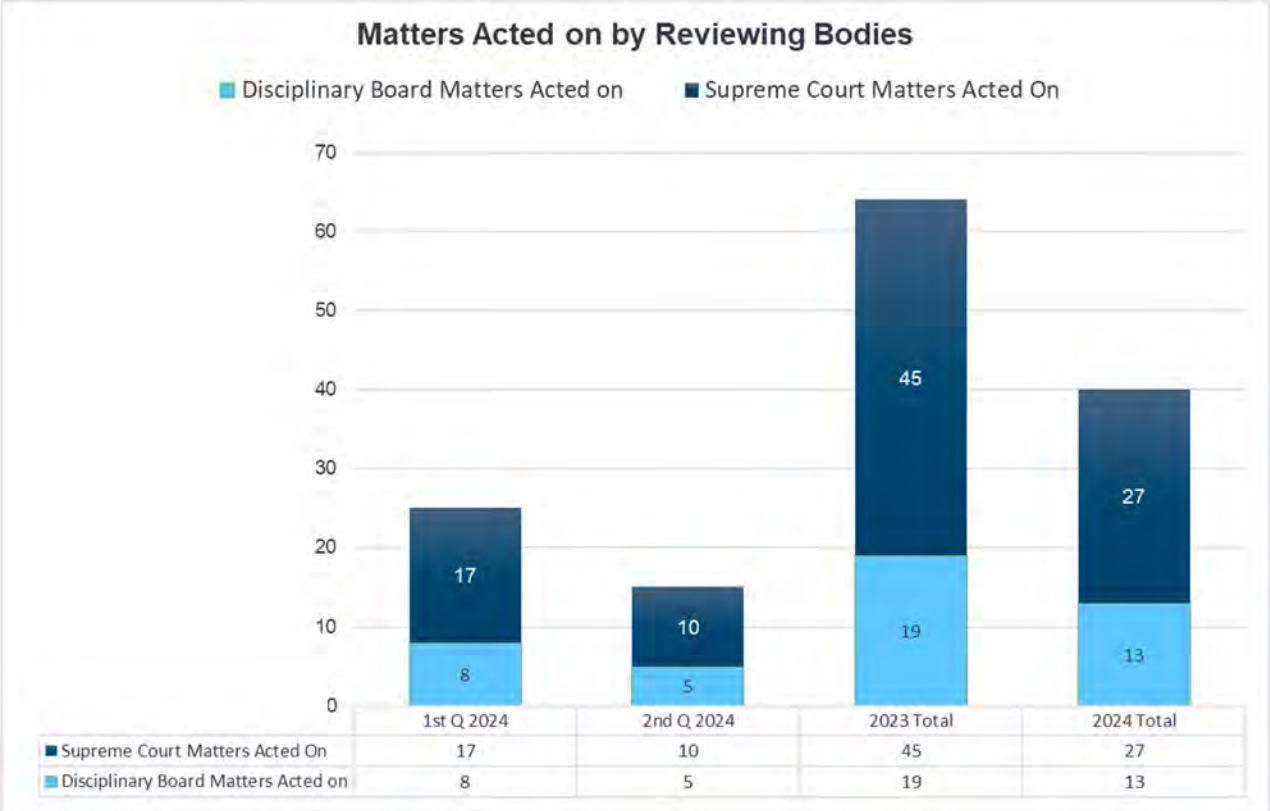
| Hearings Held ³ | Quarter Total |
|----------------------------|---------------|
| 1 st Quarter | 2 |
| 2 nd Quarter | 1 |
| 3 rd Quarter | TBD |
| 4 th Quarter | TBD |
| 2024 Total | 3 |
| 2023 Total | 5 |

D. Pending Proceedings⁴

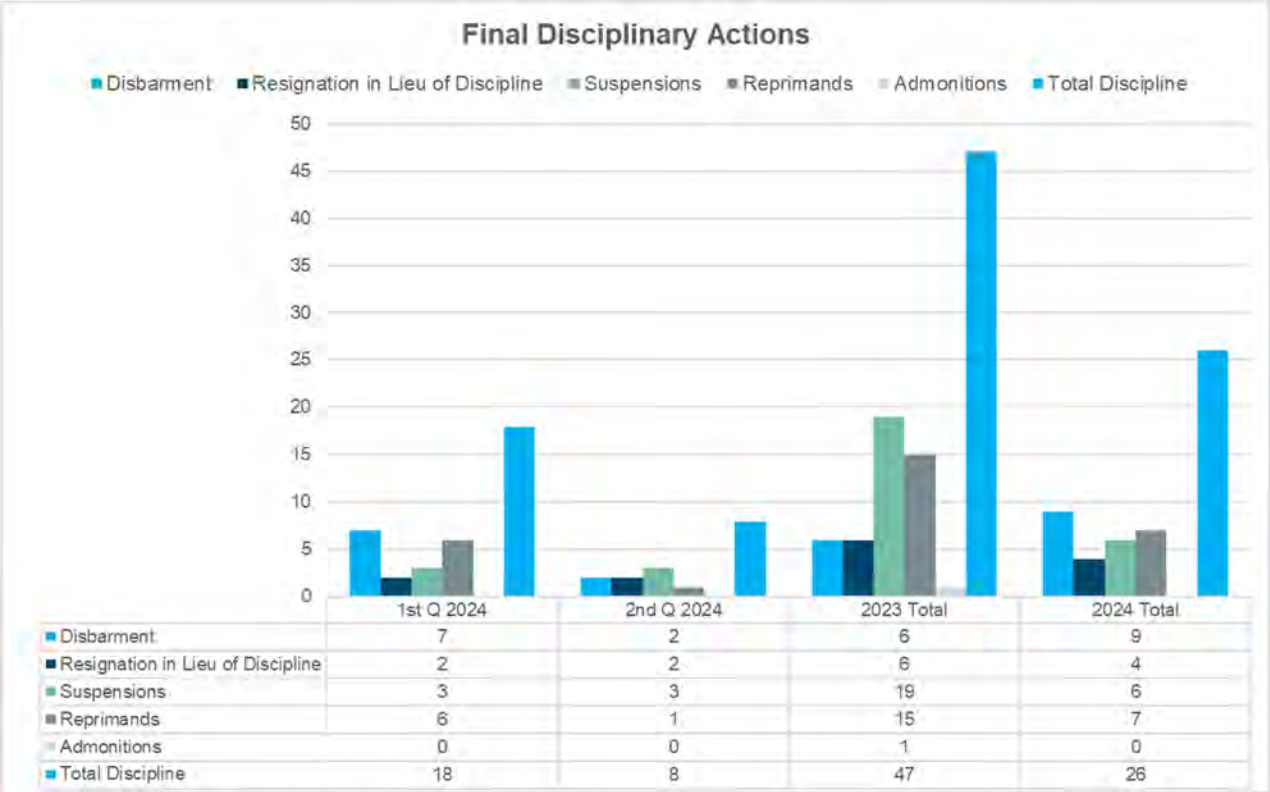
| Open Proceedings | 2023 | 2024 |
|--------------------------------|------|------|
| Ending 1 st Quarter | 44 | 35 |
| Ending 2 nd Quarter | 42 | 40 |
| Ending 3 rd Quarter | 43 | TBD |
| Ending 4 th Quarter | 49 | TBD |

³ Includes default hearings.

⁴ 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.



E. Final Disciplinary Actions



F. Disability Found

| Disability Found | Quarter Total |
|-------------------------|----------------------|
| 1 st Quarter | 3 |
| 2 nd Quarter | 1 |
| 3 rd Quarter | TBD |
| 4 th Quarter | TBD |
| 2024 Total | 4 |
| 2023 Total | 3 |

G. Discipline Costs⁵

| Quarterly Discipline Costs Collected | Total |
|---|--------------------|
| 1 st Quarter | \$7,317.50 |
| 2 nd Quarter | \$15,779.10 |
| 3 rd Quarter | TBD |
| 4 th Quarter | TBD |
| 2024 Total | \$23,096.60 |
| 2023 Total | \$52,998.35 |

⁵ 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: Lisa Amatangel, Associate Director, OGC
 Date: August 13, 2024
 Re: Litigation Update

| No. | Name | Brief Description | Status |
|-----|---|------------------------------------|---|
| 1 | <i>Komora v. James Elliot Lobsenz, et al.</i> , No. 23-2-02363-34 (Thurston County Superior Court); No. 593530 (WA Court of Appeals, Div. II) | Alleges mishandling of grievance. | Komora filed a Complaint on 07/26/2023. WSBA's Motion to Dismiss was heard and granted with prejudice on 01/26/2024. On 02/26/2024, Komora filed a Notice of Appeal. At Komora's request the Court of Appeals stayed the appeal until 09/16/2024. An amended Statement of Arrangements and/or Designation of Clerk's Papers are due 09/23/24. |
| 2 | <i>Langadinos v. WSBA, et al.</i> , No. 2:23-cv-00250-RSM (W.D. Wash.) | Alleges disability discrimination. | <p>Langadinos filed a complaint on 02/23/2023. On 06/22/2023, the WSBA filed a Motion to Dismiss, to which Langadinos responded and WSBA replied. On 07/21/2023, Plaintiff filed an Emergency Motion Requesting to Postpone Decision on Defendant's MTD for 6 Weeks, to which WSBA responded.</p> <p>On 03/15/2024 WSBA's Motion to Dismiss was granted in part, including the dismissal with prejudice of Langadinos' claims for injunctive relief, § 1983 claims against the Washington Supreme Court, and claims against individual WSBA employees. Langadinos was granted leave to file a motion to amend the complaint within 30 days and permitted 21 days to properly effect service.</p> <p>On 04/24/2024, Langadinos filed an Emergency Motion for Clarification which was denied. On 04/30/2024, Langadinos filed a motion for leave to file an amended complaint. As of 05/30/24 this motion has been fully briefed.</p> |

| | | | |
|---|--|-----------------------------------|--|
| 3 | <i>Turnbull v. Office of Disciplinary Counsel, et al.</i> , No. 2:23-cv-1619 (W.D.Wash.) | Alleges mishandling of grievance. | Turnbull filed a complaint on 10/19/2023 and an amended complaint on 12/08/2023. On 06/10/2024, Defendants filed a Motion to Dismiss. As of 07/08/24 this motion has been fully briefed. |
|---|--|-----------------------------------|--|

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Jennifer Olegario, Communications and Outreach Manager, and Sara Niegowski, Chief Communications Officer

Date: Aug. 13, 2024

Re: Summary of Media Contacts, June 18-Aug. 13, 2024

| Date | Journalist and Media Outlet | Inquiry |
|---------|--|--|
| June 24 | Neetish Basnet, Puget Sound Business Journal | Inquired about what alternatives to bar exam might mean for the industry and the upcoming workforce. Interviewed members of Task Force. |
| June 28 | Gustavo Sagrero, KUOW NPR | Inquired about how upcoming changes in lawyer licensing would be affected by new state law that will allow people to apply for and receive professional licenses and certifications regardless of immigration or citizenship status. |
| Aug. 9 | Isabel Gottlieb, Bloomberg Law | Inquired about entity regulation pilot test. See resulting Aug. 12 article below. |

News Releases

- [Stephen Kozer Named Local Hero by the Washington State Bar Association](#) (July 19)

News Coverage

- [“Washington Weighs Loosening Rules on Who Can Practice Law,”](#) Bloomberg Law (Aug. 12)
- [“Proposal for public defenders would let scores of criminals avoid jail,”](#) mynorthwest.com (Aug. 1)
- [“Indigent defense caseloads may decrease,”](#) Peninsula Daily News, (July 24)

- “WA Supreme Court considers cutting public defender caseloads,” Washington State Standard (July 8)
- “Nam Nguyen and Negheen Kamkar join CAPAA,” Northwest Asian Weekly, (July 8)
- “Clallam County prosecutor sounds the alarm about planned changes to public defense rules,” (July 2)
- “Island County officials consider bringing public defense in-house,” Whidbey News-Times (July 2)

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Lesli Ashley, Practice of Law Board Chair; Craig Shank, Practice of Law Board Member; Thea Jennings, Staff Liaison
DATE: August 13, 2024
RE: Pilot Project for Entity Regulation

DISCUSSION: The POLB presents for discussion and broader feedback a proposed Order for a pilot project to test entity regulation for submission to the Washington Supreme Court in collaboration with the WSBA.

In Washington State, it would be difficult not to notice the impact of new technologies on the world around us, and in particular the potential for technology and innovative business models to impact the delivery of legal services and the practice of law in ways that may be positive, negative, or both. Online companies and innovative business models are already delivering legal services to the public and will undoubtedly expand in prevalence and sophistication in the coming years. Recognizing the great importance of these changes and their potential consequences and to better understand the opportunities and threats presented by these emerging technologies—in terms of safety, quality, and access to legal help for Washingtonians—the WSBA and Practice of Law Board (POLB) are proposing a pilot test of entity regulation to the Washington Supreme Court (Court).

The aim of the pilot test is to protect the public while ensuring that the Court has adequate data and information to make an informed decision regarding whether to implement entity regulation as an exercise of its plenary authority over the practice of law. The pilot will assist in determining whether entity regulation will increase access to justice by enhancing access to affordable and reliable legal and law-related services consistent with protection of the public, and whether entity regulation will create risks of consumer harm, regulatory challenges, or other risks that would serve as barriers to implementing reform. This is the beginning of a process, not the end; the goal is to learn more and make transparent, data-driven decisions before any permanent regulatory reform is put in place.

Background

Under General Rule (GR) 25(b)(2), the POLB is charged with considering and 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.” GR 24(a) defines the practice of law, and GR 24(b) provides a list of its exceptions and exclusions stating certain activities are permitted whether or not they constitute the practice of law. Given its charge, the POLB often reviews the definition of the practice of law and its exceptions to identify needed innovations in the availability of authorized legal service providers.

With that in mind and recognizing the prevalence of emerging technologies, the POLB has for many years explored whether and how to regulate online legal service providers. In 2018, its work included proposing to the Court an amendment to GR 24(b) that would have provided an exemption from the definition of practice of law for online

legal service providers if the providers complied with certain requirements, including registration with the WSBA.¹ However, in October 2019, at the POLB's request after receiving feedback from technology stakeholders, the Court withdrew the proposed amendment, so the POLB could further explore potential changes to GR 24 and whether there was a need for additional regulation of online legal service providers and how to approach such regulation.²

In 2020, the POLB began to discuss next steps, including raising the concept of a legal regulatory sandbox or laboratory modeled after Utah's regulatory sandbox.³ Recognizing the synergy between the two Boards' discussions in this space, in mid-2020, a working group of the Access to Justice Board Technology Committee and the POLB began meeting to explore amendments to GR 24's definition of the practice of law.⁴ Their work quickly grew into a broader proposal to test entity regulation through the development of a Blueprint for a Legal Regulatory Sandbox (Blueprint), a framework to test entity regulation.⁵ Since its inception, the project has been known by several names, including sandbox, laboratory, beta test, and now pilot project, but the intent has always been the same: to create a controlled testing environment for entity regulation that would assist the Court in making a data-driven determination regarding whether to implement permanent regulatory reforms.

Over the next few years, the proposal went through several iterations informed by stakeholder feedback and lessons learned from Utah, with two versions of the Blueprint issued in June 2021 and February 2022, respectively.⁶ As proposed, the testing environment would authorize innovative legal service providers and business models to deliver legal services to Washington consumers under controlled conditions during which data would be collected to drive and inform potential legal regulatory reforms.⁷ Importantly, the second version of the Blueprint laid out for the first time a risk-and-benefits model for assessing the proposed innovations of applicants wishing to participate in the test that would balance the risk of consumer harm with a proposal's potential to

¹ Letter from Executive Director Paula Littlewood and Practice of Law Board Chair Paul Bastine to Court re Suggested Rule Amendments to Definition of Practice of Law (Oct. 15, 2018); GR 9 Coversheet, Suggested Amendment to GR 24, COURTS.WA.GOV (Oct. 15, 2018), https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=2712.

² Letter from Practice of Law Board Chair Paul Bastine to Court re Requesting GR 24 Withdrawal (July 18, 2019); Letter from Justice Charles W. Johnson, Chair of Supreme Court Rules Committee, to Practice of Law Board re GR 24 Withdrawn (Oct. 24, 2019).

³ See, e.g., PRACTICE OF LAW BOARD, FEBRUARY 20, 2020, MEETING MINUTES; PRACTICE OF LAW BOARD, JUNE 18, 2020, MEETING MINUTES.

⁴ See, e.g., PRACTICE OF LAW BOARD, JUNE 18, 2020, MEETING MINUTES; PRACTICE OF LAW BOARD, JULY 14, 2020, MEETING MINUTES; PRACTICE OF LAW BOARD, OCTOBER 15, 2020, MEETING MINUTES.

⁵ See, e.g., PRACTICE OF LAW BOARD, JANUARY 21, 2021, MEETING MINUTES; PRACTICE OF LAW BOARD, FEBRUARY 18, 2021, MEETING MINUTES; PRACTICE OF LAW BOARD, MAY 27, 2021, MEETING MINUTES.

⁶ PRACTICE OF LAW BOARD, *BLUEPRINT FOR A LEGAL REGULATORY SANDBOX IN WASHINGTON STATE, VERSION 1.7* (June 2021), https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/polb_legal-regulatory-lab_1.7_06-2021_superseded.pdf?sfvrsn=db7110f1_5; PRACTICE OF LAW BOARD, *BLUEPRINT FOR A LEGAL REGULATORY LAB IN WASHINGTON STATE, VERSION 2.0* (Feb. 2022), https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/polb_legal-regulatory-lab_2.0_02-2022.pdf?sfvrsn=b67110f1_5. With the issuance of the second version of the Blueprint, the POLB assumed responsibility for shepherding the project going forward.

⁷ *Id.*

improve access to justice.⁸ On December 28, 2022, a modified version of the proposal was submitted to the Court in the form of a brief titled *Recommendation for a New Avenue for Persons Not Currently Authorized to Practice Law Via Data-Driven Legal Regulatory Reform*.⁹

Over the life of the project, the POLB has presented the concept of testing entity regulation many times both to the Court and the WSBA Board of Governors (BOG), among various other stakeholders including other Court-created boards, the Washington Senate Law and Justice Committee,¹⁰ and the Interbranch Advisory Committee.¹¹ The project was further publicized in two NWSidebar blog posts in the past several years.¹² Specifically, the concept was presented to the Court on February 4, 2021, July 1, 2021, March 2, 2022, and January 4, 2023,¹³ and to the BOG on May 20, 2021, January 14, 2022, March 10, 2022, and March 4, 2023.¹⁴ Following each

⁸ *BLUEPRINT FOR A LEGAL REGULATORY LAB IN WASHINGTON STATE, VERSION 2.0*, at 20-25.

⁹ Email from WSBA Paralegal Kyla Reynolds to Court Staff Enclosing Practice of Law Board Annual Meeting Materials (Dec. 28, 2022); *PRACTICE OF LAW BOARD, RECOMMENDATION FOR A NEW AVENUE FOR PERSONS NOT CURRENTLY AUTHORIZED TO PRACTICE LAW VIA DATA-DRIVEN LEGAL REGULATORY REFORM* (Dec. 28, 2022), 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.

¹⁰ *Senate Law & Justice Committee Meeting*, TVW (June 14, 2023), https://tvw.org/video/senate-law-justice-2023061085/?eventID=2023061085&_gl=1*gda41r*_ga*OTE3OTE2NDQ1LjE2ODkyNjE2MTg.*_ga_J5MMHVD463*MTY4OTI2MTYxNy4xLjEuMTY4OTI2MTY5Ny42MC4wLjA.*_ga_8RDQJPBJXF*MTY4OTI2MTYzNC4xLjEuMTY4OTI2MTY5Ny4wLjAuMA...

¹¹ *Interbranch Advisory Committee Meeting*, TVW (June 20, 2023), https://tvw.org/video/interbranch-advisory-committee-2023061051/?eventID=2023061051&_gl=1*c9eol3*_ga*OTE3OTE2NDQ1LjE2ODkyNjE2MTg.*_ga_J5MMHVD463*MTY4OTI2MTYxNy4xLjEuMTY4OTI2MTY5Ny42MC4wLjA.*_ga_8RDQJPBJXF*MTY4OTI2MTYzNC4xLjEuMTY4OTI2MTY5Ny4wLjAuMA...

¹² Noel Brady, *Legal Regulatory Sandbox Could Incubate Innovation in Washington*, NWSIDEBAR (July 13, 2021), <https://nwsidebar.wsba.org/2021/07/13/legal-regulatory-sandbox-could-incubate-innovation-in-washington/>; Michael Cherry, *Why Legal Professionals Should Embrace a Legal Regulatory Lab*, NWSIDEBAR, (Mar. 14, 2022), <https://nwsidebar.wsba.org/2022/03/14/why-legal-professionals-should-embrace-a-legal-regulatory-lab/>.

¹³ PRACTICE OF LAW BOARD, MEETING NOTES OF WASHINGTON SUPREME COURT MEETING ON FEB, 4, 2021; *Washington Supreme Court Meeting with POLB*, TVW (July 1, 2021), <https://tvw.org/video/washington-state-supreme-court-practice-of-law-board-2021071018/?eventID=2021071018>; *Washington Supreme Court Meeting with POLB*, TVW (Mar. 2, 2022), <https://tvw.org/video/washington-state-supreme-court-2022031029/?eventID=2022031029>; PRACTICE OF LAW BOARD, JAN. 18, 2023, MEETING MINUTES, https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/practice-of-law-board-jan.-18-2023-minutes.pdf?Status=Master&sfvrsn=6acd1cf1_5.

¹⁴ WSBA BOARD OF GOVERNORS, MAY 20-21, 2021, MEETING MINUTES, at 3-4, https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-materials-archive/bog-meeting-materials-2000-2001/board-of-governors-meeting-minutes-may-20-21-2021.pdf?sfvrsn=cd0817f1_4; WSBA BOARD OF GOVERNORS, JAN. 13-14, 2022, MEETING MINUTES, at 11-12, https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-materials-archive/bog-meeting-materials-2021---2022/jan-2022/board-of-governors-meeting-minutes-january-13-14-2022.pdf?sfvrsn=2eb313f1_3; WSBA BOARD OF GOVERNORS, MAR. 10-11, 2022, MEETING MINUTES, at 7, <https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-materials-archive/bog-meeting-materials-2021---2022/march-2022/board-of-governors-meeting-minutes-march-10-11->

presentation, the POLB continued to revise and fine tune the proposal, including considering a preliminary fiscal needs assessment prepared by WSBA staff.¹⁵

Meanwhile, also recognizing the profound implications of these changes in the delivery of legal services, the BOG made it a strategic priority for fiscal year 2024 to “assess technology-related opportunities and threats, and determine WSBA’s role vis-à-vis regulation, consumer protection, and support to legal professionals.”¹⁶ In November 2023, in furtherance of its strategic priority and following an update from the POLB, the BOG voted to support the pilot test,¹⁷ becoming partners in this effort with the POLB.

Shortly thereafter, a working group of WSBA staff began discussions regarding how best to support and structure a pilot project for entity regulation. Through that work, the staff prepared a draft order to implement the pilot project to present for the Court’s consideration in collaboration with the POLB.¹⁸ While that work was ongoing, in May 2024, the POLB published a law review article outlining a framework to test any manner of legal regulatory reforms using a data-driven approach, titled *A Framework for Data-driven Legal Regulatory Reform*.¹⁹ Attached as Appendix A. The POLB then provided feedback on the proposed Order and approved the draft at its July 17, 2024, meeting for submission to the Court.²⁰ The Order proposes using the POLB’s framework to conduct the pilot test of entity regulation.²¹ Attached as Appendix B.

As proposed, the pilot would allow entities to provide legal and law-related services in Washington under time-bound, limited exemptions from the otherwise applicable rules and statutes governing entities practicing law.²² Under the proposal, participating entities would be required to abide by a Supreme Court authorizing order

[2022.pdf?sfvrsn=19b313f1_3](https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-minutes-2022-2023/board-of-governors-meeting-minutes-march-3-4-2023.pdf?sfvrsn=311b12f1_1); WSBA BOARD OF GOVERNORS, MAR 3-4, 2023 MEETING MINUTES, at 3-4, https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-minutes-2022-2023/board-of-governors-meeting-minutes-march-3-4-2023.pdf?sfvrsn=311b12f1_1.

¹⁵ See, e.g., PRACTICE OF LAW BOARD, JULY 21, 2022, MEETING MINUTES (noting the ongoing work on a budget analysis).

¹⁶ WSBA BOARD OF GOVERNORS, SEPT. 8-9, 2023, MEETING MINUTES, at 4-5, https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-minutes-2022-2023/board-of-governors-meeting-minutes-september-8-9-2023.pdf?sfvrsn=c2541cf1_2.

¹⁷ WSBA BOARD OF GOVERNORS, NOV. 2-3, 2023, MEETING MINUTES, at 3, https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-minutes-2023-2024/board-of-governors-meeting-minutes-november-2-3-2023.pdf?sfvrsn=e4f91ff1_3.

¹⁸ PRACTICE OF LAW BOARD, APR. 17, 2024, MEETING MINUTES, https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/practice-of-law-board-meeting-minutes-april-17-2024.pdf?sfvrsn=ed301ff1_3.

¹⁹ Practice of Law Board, *A Framework for Data-Driven Legal Regulatory Reform*, 14.2 SEATTLE J. TECH., ENV’T & INNOVATION L. 1 (2024), <https://digitalcommons.law.seattleu.edu/sjteil/vol14/iss2/2/>.

²⁰ Practice of Law Board, WSBA.ORG, <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/practice-of-law-board>; [Proposed] *In the matter of the Adoption of a Pilot Project to Test Entity Regulation Using the Practice of Law Board’s Framework for Legal Regulatory Reform*, https://www.wsba.org/docs/default-source/legal-community/committees/practice-of-law-board/practice-of-law-board-draft-order-for-pilot-project-to-test-entity-regulation-july-17-2024.pdf?sfvrsn=1abd1ef1_5.

²¹ [Proposed] *In the matter of the Adoption of a Pilot Project to Test Entity Regulation Using the Practice of Law Board’s Framework for Legal Regulatory Reform*, at 3-4.

²² *Id.*

detailing conditions on their participation, including adherence to rules of ethics and regular reporting of data and information relating to their delivery of services to the public.²³

Anticipating submitting the Order to the Court for its consideration, the WSBA and the POLB have begun an effort to circulate the proposal more broadly and solicit feedback, including launching a landing page for the pilot test on wsba.org, creating an inbox to receive written feedback (entityregulationpilot@wsba.org), and planning a special joint feedback session at the September 2024 BOG meeting.²⁴ The proposed Order and feedback will be sent to the Court at the end of September 2024.

Community Input

As described above, the proposal has been presented throughout its development to the Court, BOG, and various other entities. Feedback from these entities has informed the proposal.

Information for Fiscal Analysis

The pilot test is limited in scope and time and would conclude after collecting two years of reporting data by the entity most recently granted authority by the Court to participate in the pilot project. The pilot project would be funded by WSBA license fees and by the application and licensing fees of participating entities. It is anticipated that existing staff resources and new staff resources proposed under the pending fiscal year 2025 budget would support the program.

Information for Equity Analysis

Ultimately, one of the goals of entity regulation is to increase access to justice by improving the availability and affordability of legal services. The pilot will thus assist in collecting sufficient data to determine whether entity regulation will in fact increase access to justice by enhancing access to affordable and reliable legal and law-related services consistent with protection of the public, and whether entity regulation will create risks of consumer harm, regulatory challenges, or other risks that would serve as barriers to implementing reform.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

To be provided separately 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 the proposed pilot project includes staffing resources from existing employees throughout the organization who will be responsible for developing and implementing the internal processes required for regulating the participating entities, in addition to allocation of pending FY25 budgeted staffing resources to

²³ *Id.* at 7-8.

²⁴ *Pilot Test of Entity Regulation*, WSBA.ORG, <https://www.wsba.org/about-wsba/entity-regulation-pilot>.

provide project management and data analysis skills (the FY25 Budget is being provided to the Board for approval at the September 2024 meeting). Additionally, it is likely that temporary part-time paralegal support (1 day or less a week) will be needed to backfill for existing staff in the Office of General Counsel who will be heavily involved in the work of this project. Beyond staffing costs, we anticipate that there could be additional expenses for consulting services and marketing materials; amounts vary significantly depending upon the expertise needed and outreach plans. It is expected that there will be fees assessed to apply and participate in the program resulting in revenue generated to offset some portion of the costs. The fees are not expected to cover the full cost of operating the pilot project; any costs in excess of the fees collected will be supported through general fund revenue (primarily license fees). WSBA plans to track the primary expenses for this project in a cost center titled "Regulatory Reform", which includes expenses for another regulatory focused project that is proposed to be funded by the WSBA's Special Projects and Innovation Reserve Fund. The proposal for allocation of reserves of \$400,000 is included in the Board materials for their September 2024 meeting. Currently \$200,000 of the \$400,000 is earmarked for the existing regulatory reform project, which leaves the remaining \$200,000 available to support the needs of the pilot project and other items of similar need that the Board deems appropriate for use of the reserves.

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. Applying an equity lens includes 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. As the POLB seeks feedback on the pilot and the process for soliciting applications, we suggest that the POLB seek input from communities who experience barriers to accessing justice and organizations who are regularly engaged in access to justice work. We suggest that POLB inquire about potential barriers to applying to participate in the pilot; barriers may include financial limitations to applying and adequately funding the pilot itself. We also suggest the POLB apply an equity lens when considering how data is collected, evaluated and valued when reviewing the pilot programs and considering whether to regulate them or not.

Attachments

N/A

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Tiffany Lynch, Director of Finance

cc: Executive Leadership Team

Re: FY 2025 Budgets – Final Draft

Date: August 9, 2024

ACTION: Approve the FY 2025 Budget.

Attached for your consideration is the Final Draft FY25 WSBA Budget, which was unanimously approved by the Budget and Audit Committee at their August 9, 2024, meeting. Provided is an overview comparison of the First and Final Draft General Fund, CLE, Client Protection Fund, and Sections Budgets and detailed changes.

BUDGET COMPARISON: FIRST vs FINAL

| ALL FUNDS BUDGET | FIRST DRAFT | FINAL | Difference | % Change |
|--|--------------------|----------------------|-------------------|----------|
| REVENUE | \$25,792,477 | \$26,441,960 | +\$649,483 | +2.5% |
| EXPENSE | \$26,761,268 | \$27,956,320 | +\$1,195,052 | +4.5% |
| NET INCOME/(LOSS) | (\$968,791) | (\$1,514,360) | +\$545,569 | |
| Use of Facilities Reserve | \$0 | \$117,837 | +\$117,837 | |
| NET INCOME/(LOSS) w/use of Facilities Reserve | (\$968,791) | (\$1,396,523) | +\$427,732 | |

The final draft of the FY24 WSBA budget includes all four funds: (1) General Fund, (2) CLE Fund, (3) Client Protection Fund, and (4) Sections Funds. Each has its own designated reserves which are either added to or reduced each year depending on the financial operating results of the designated cost centers. The final draft includes unspent funds from FY24 for the WSBA office space downsizing project, which is funded using the Facilities Reserve Fund.

(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 39 cost centers within the General Fund. The final draft FY25 General Fund budget is based on attorney license fees for the 2025 calendar year of \$458, which has been set at the same rate since 2020. (See attachment A for General Fund detailed cost center budgets.)

| General Fund Budget | FIRST DRAFT | FINAL | Difference | % Change |
|--|----------------------|----------------------|------------------------------|----------|
| ▪ Revenue | \$23,107,227 | \$23,111,227 | +\$4,000 | +0.02% |
| ▪ Expenses | \$24,363,730 | \$24,572,042 | +\$208,312 | +0.85% |
| ▪ Net Income/(Loss) | (\$1,256,503) | (\$1,460,815) | +\$204,312 ¹ | |
| ▪ Use of Facilities Reserves | \$0 | \$109,065 | \$109,065 | |
| ▪ NET INCOME/(LOSS) w/use of Facilities Reserve | (\$1,256,503) | (\$1,351,749) | +\$95,246¹ | |

(2) CLE FUND

The CLE Fund is a board-designated operating reserve, consisting of net income from the CLE activities, to cover net loss and extraordinary costs of CLE programs, products, and/or capital acquisitions as needed. The FY24 CLE Fund Budget consists of three cost centers: (1) CLE Products; (2) CLE Seminars; and (3) Deskbooks. (See attachment B for CLE Fund detailed cost center budgets.)

| CLE Fund Budget | FIRST DRAFT | FINAL | Difference | % Change |
|--|-----------------|-----------------|------------------------------|----------|
| ▪ Revenue | \$1,754,710 | \$1,754,710 | \$0 | 0% |
| ▪ Expenses | \$1,703,091 | \$1,689,709 | (\$13,382) | (0.79%) |
| ▪ Net Income/(Loss) | \$51,619 | \$65,001 | +\$13,382 ¹ | |
| ▪ Use of Facilities Reserves | \$0 | \$7,789 | \$7,789 | |
| ▪ NET INCOME/(LOSS) w/use of Facilities Reserve | \$51,619 | \$72,790 | +\$21,171¹ | |

(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. (See attachment C for Client Protection Fund detailed cost center budgets.)

| Client Protection Fund Budget | FIRST DRAFT | FINAL | Difference | % Change |
|--|------------------|------------------|-----------------------------|----------|
| ▪ Revenue | \$930,540 | \$930,540 | \$0 | 0% |
| ▪ Expenses | \$694,448 | \$689,364 | (\$5,084) | (0.73%) |
| ▪ Net Income/(Loss) | \$236,092 | \$241,176 | +\$5,084 ¹ | |
| ▪ Use of Facilities Reserves | \$0 | \$983 | +\$983 | |
| ▪ NET INCOME/(LOSS) w/use of Facilities Reserve | \$236,092 | \$242,158 | +\$6,066¹ | |

(4) SECTIONS FUND

The FY25 Section budgets reflect a variety of changes from FY24 based on individual plans and goals for each Section. Included in the materials is a request from the Taxation Section to increase their annual membership dues amount from \$20 to \$30 effective January 1, 2025. (See attachment D for Section Funds detailed cost center budgets and attachment E for Taxation Section request.)

¹ A positive (+) difference means an increase in the net income or loss and a negative (-) difference means that there is a decrease in the net income or loss from the FY25 first draft budget.

| Sections Funds Budget | FY24 Budget | FY25 Budget FINAL | Difference | % Change |
|-----------------------|--------------------|--------------------|------------------------|----------|
| ▪ Revenue | \$688,964 | \$645,483 | (\$43,481) | (6.3%) |
| ▪ Expenses | \$1,017,566 | \$1,005,206 | (\$12,360) | (1.2%) |
| ▪ Net Income/(Loss) | (\$328,603) | (\$359,723) | +\$31,120 ¹ | |

CAPITAL BUDGET

The FY25 Capital Budget includes the cost of purchasing, refreshing and/or replacing outdated hardware and software as needed. Capital labor costs involve in-house development, customization, and/or upgrades to systems and projects. Anticipated FY25 projects include the completion of development and implementation of a new Law Clerk database system which is currently underway in FY24. The Capital Budget also includes the cost of purchasing, refreshing and/or replacing infrastructure hardware and leasehold improvements related to the WSBA office space downsizing project. (See attachment E for capital budget details.)

KEY AREAS OF CHANGE

Provided below is a list of the key areas of change between the First and Final drafts of the FY25 budgets followed by relevant narrative information for items with an asterisk.

| Revenue Changes from First Draft FY25 Budget | Budget Impact |
|--|-------------------|
| GENERAL FUND: | |
| ▪ MCLE Late Fees (LPO): Fees were inadvertently excluded from first draft, added for final. Amount consistent with FY24 budget. | +\$4,000 |
| SECTIONS FUND: | +\$645,483 |
| ▪ Membership Dues: First draft did not include Section budgets. Dues budget variance from FY24 to FY25 is a reduction of \$151. | +\$438,280 |
| ▪ Seminar Profit Share: First draft did not include Section budgets. Revenue budget variance from FY24 to FY25 for seminar profit share is an increase of \$5,825. | +\$159,700 |
| ▪ Other Revenue: First draft did not include Section budgets. Budget variance from FY24 to FY25 includes a variety of items such as interest income, publications revenue, mini-CLE revenue, etc. and is a reduction of \$49,154. | +\$47,503 |
| Total Increase in Revenue from First Draft FY25 Budget | +\$649,483 |

| Indirect Expense Changes from First Draft FY25 Budget | Budget Impact |
|---|-------------------|
| SALARIES: | +\$203,001 |
| ▪ Temporary Employees*: see narrative for details. | +\$58,001 |
| ▪ Capital Labor*: see narrative for details. | +\$145,000 |
| BENEFITS: | +\$17,386 |
| ▪ FICA, L&I, Unemployment Insurance, & WAFML: increase tied to change in temporary employee expense. | +\$5,776 |
| ▪ Retirement: Increase in DRS employer contribution rate from 9.03% to 9.11%. | +\$11,610 |
| OTHER INDIRECTS: | (\$60,962) |
| ▪ Furniture, Maint, LH Imp: reallocation of FY24 unspent funds for facilities downsizing project which will continue in FY25. | +\$28,832 |
| ▪ Furniture & Office Equipment Depreciation: increased to include additional capital budget funds for leasehold improvements for WSBA office downsizing project. | +\$1,875 |
| ▪ Office Supplies & Equipment: roll forward of unspent FY24 budget funds for WSBA office downsizing project for monitor wall mounts to be purchased in FY25. | +\$1,064 |
| ▪ Computer Pooled Expenses: roll forward of unspent FY24 budget funds for WSBA office downsizing project for additional monitors to be purchased in FY25. | +\$1,200 |

| | |
|---|----------------------|
| ▪ Computer Software Depreciation: reduction due to elimination of capital labor hours for membership database system project. | (\$43,933) |
| ▪ Professional Fees- Legal: reduced to align with historical spending patterns. | (\$50,000) |
| Total Increase in Indirect Expense from First Draft FY25 Budget | +\$159,425 |
| Direct Expense Changes from First Draft FY25 Budget | Budget Impact |
| GENERAL FUND: | +\$45,088 |
| ▪ Court Reporters (OGCDB): increased cost based on updated estimates for cases going to hearing in FY25, aligning with FY24 actual expenses and additional costs for hybrid and remote hearings. | +\$24,500 |
| ▪ Law Library Deskbook Access (MSE): reallocation of expense from CLE fund to General Fund to more accurately reflect benefit to all members. | +\$10,000 |
| ▪ Disability Accommodations (ADMISS): to account for increasing number of accommodation requests for bar exam applicants. | +\$7,000 |
| ▪ Diversity Events & Projects (DIV): increased funding to support state-wide DEI Council in-person outreach events focused on the new DEI Plan. | +\$7,000 |
| ▪ Staff Travel & Parking (OGC & PMA): increase based on updated actual costs. | +\$4,000 |
| ▪ Staff Membership Dues (ADMISS, DISC, OED, OGC, RSD FTE): majority of change is for increase in ABA membership dues rate for upcoming membership cycle. | +\$1,205 |
| ▪ Depreciation (CLERK): increased amount based on updated estimates for Law Clerk Database development capital labor and corresponding depreciation. | +\$783 |
| ▪ DEI Council (DIV): additional cost for council liaison MBA memberships | +600 |
| ▪ Bar Leaders Summit (COMM): reduced based on updated estimates for event | (\$10,000) |
| CLE FUND: | |
| ▪ Law Library Deskbook Access (DESK): allocation of expense to the General Fund under Members Services & Engagement to reflect benefit to all members. | (\$10,000) |
| CPF FUND: | |
| ▪ Depreciation Expense: removal of capital labor hours to reflect change from internally developed software to subscription-based product. | (\$4,667) |
| SECTIONS FUND: | \$1,005,206 |
| ▪ Direct Expenses of Section Activities | \$724,773 |
| ▪ Reimbursement to WSBA for Indirect Expenses (Section Per-Member Charge) | \$280,433 |
| Total Increase in Direct Expense from First Draft FY25 Budget | \$1,035,627 |

A. Indirect Expenses:

- 1) **Temporary Staffing (+\$58,001):** The final draft of the budget increase is primarily for the addition of unspent FY24 funds for the WSBA office space downsizing project to fund temporary staff time for converting documents from paper to electronic format. It is expected that we will be able to complete this portion of the project by the end of December 2024.
- 2) **Capital Labor (+\$145,000):** The first draft of the budget included labor hours for anticipated inhouse development of a new membership database system. We recently began working with consultants to outline system requirements and plan to obtain bids from prospective vendors in the next two months however it in this process we determined that WSBA will likely be moving towards a subscription-based software as opposed to an on-premises product, which means capital labor hours will not be used for development and costs will be expensed when incurred rather than spread out over time through depreciation. The capital labor budget is a negative number because

it offsets the salaries budget and instead becomes an asset that can be depreciated over time. Therefore, any reduction to capital labor results in an increase to the overall salaries budget.

FY25-FY28 GENERAL FUND FISCAL PROJECTIONS & LICENSE FEES

Fiscal projections through FY28 have been updated using the final draft FY25 budget figures and reflect the assumptions provided below.

Currently, the general fund includes two Board Designated reserves with available balances totaling \$4.3 million: (1) Operating Reserve of \$2.0 million, and (2) Facilities Reserve of \$2.3 million (current balance is \$2.7 million with \$400,000 designated for downsizing costs in 2024). All remaining general fund balances are undesignated and therefore considered “unrestricted.” The unrestricted reserve increases when there is net income and decreases when there is a net loss in the general fund. Budgeting a net loss reflects a purposeful spend-down of the WSBA’s reserves. The chart below demonstrates the impact on WSBA’s unrestricted reserves based on the projected annual spend-down if actual financial results match the budget. Additionally, WSBA has historically outperformed the budget leading to favorable variances anywhere from \$400,000 to \$1.74 million annually over the past ten years. This is considered and reflected in an annual offset of \$600,000 along with the corresponding impact on unrestricted reserves for comparison.

| GENERAL FUND PROJECTIONS FY2024 - FY2028 | | | | | |
|---|-----------------|--------------------------|------------------|------------------|------------------|
| LICENSE FEES @ \$458 | | | | | |
| | FY24 PROJECTION | FY25 BUDGET- FINAL DRAFT | FY26 PROJECTIONS | FY27 PROJECTIONS | FY28 PROJECTIONS |
| BEGINNING CYCLE FUND BALANCE | 9,849,490 | 9,672,700 | 8,211,884 | 6,114,974 | 2,903,837 |
| REVENUE | 23,065,604 | 23,111,227 | 22,958,594 | 23,129,602 | 23,302,308 |
| <i>Licensing Revenue</i> | 17,122,455 | 17,492,616 | 17,618,537 | 17,801,992 | 17,985,448 |
| <i>Other Revenue</i> | 5,943,149 | 5,618,611 | 5,340,057 | 5,327,610 | 5,608,797 |
| EXPENSES | 23,242,394 | 24,572,043 | 25,055,504 | 26,340,739 | 27,130,298 |
| <i>Direct</i> | 2,628,676 | 3,197,877 | 3,283,792 | 3,415,144 | 3,551,750 |
| <i>Indirect</i> | 20,613,718 | 21,374,166 | 21,771,712 | 22,925,595 | 23,578,548 |
| NET INCOME/(LOSS) AND ANTICIPATED USE OF RESERVES | -176,790 | -1,460,816 | -2,096,910 | -3,211,137 | -3,827,990 |
| RESERVE BALANCE OFFSET | 176,790 | 1,460,816 | 2,096,910 | 3,211,137 | 0 |
| NET OPERATING RESULT | 0 | 0 | 0 | 0 | -3,827,990 |
| FY24-FY28 General Fund Balance | 9,672,700 | 8,211,884 | 6,114,974 | 2,903,837 | -924,153 |
| Operating & Facilities Restricted Reserves | 4,431,962 | 4,314,125 | 4,312,625 | 4,311,125 | 4,309,625 |
| Remaining Unrestricted Reserves | 5,240,738 | 3,897,759 | 1,802,349 | -1,407,288 | -5,233,778 |
| Remaining Unrestricted Reserves w/\$600K offset | 5,240,738 | 4,497,759 | 3,002,349 | 392,712 | -2,833,778 |

Assumptions

Revenue:

- No change to the license fee rate of \$458 through 2028.
- Average increase in License Fees revenue of 1% annually to account for net increase in membership.
- All other revenue sources to remain relatively static based on current trends, with small increases of 1-2% in select areas.

Expense:

- Salaries: projections include a 3% increase to the midpoint of the compensation grid in FY25 and FY27, as well as annual cost of movement through steps for all positions.
- No additional FTE in FY26, FY27, or FY28.
- Reduced capital labor hours FY26-FY28 to align with FY25 estimates.
- Corresponding increase in taxes and benefits tied to projected salary increases.
- Average increase in medical costs of 4% each year.
- Average increase in all other benefits of 3% each year.

- Average increase in direct expenses of 4% each year.

Based on the final draft of the FY25 budget, there are sufficient reserves to support maintaining a license fee of \$458 in 2026. In 2027, either reserve funds would need to be reallocated from other established reserves (such as the Facilities Reserve Fund) to support the projected net loss or license fees would need to increase. By 2028, there will likely not be sufficient unrestricted reserves and license fees will need to increase. Keep in mind that per WSBA Fiscal Policies, the general fund reserve must maintain a \$2 million balance and has typically been satisfied through the maintenance of the operating reserve fund.

Below is a chart showing both historical and projected license fees and reserve balance data. Included in the chart is the “Effective License Fee,” which represents the fee that would need to be charged if no reserves are used, resulting in a break-even budget.

| LICENSE FEES & RESERVE BALANCES 2014-2028 | | | | | | | |
|---|-------------------|-----------------------|-------------------|-----------------------|-------------------|--------------------|----------------|
| Fiscal Year | License Fee Rates | Effective License Fee | Net Income/(Loss) | General Fund Reserves | Operating Reserve | Facilities Reserve | Unrestricted |
| ACTUALS | | | | | | | |
| FY 2014 | \$325 | \$364 | \$ (1,157,702) | \$ 7,803,070 | \$ 1,500,000 | \$ 3,340,000 | \$ 2,625,488 |
| FY 2015 | \$325 | \$413 | \$ (2,700,536) | \$ 5,102,534 | \$ 1,500,000 | \$ 3,286,096 | \$ - |
| FY 2016 | \$325/\$385 | \$423 | \$ (1,183,998) | \$ 3,918,536 | \$ 1,500,000 | \$ 2,114,427 | \$ - |
| FY 2017 | \$385 | \$403 | \$ (554,785) | \$ 3,363,751 | \$ 1,500,000 | \$ 200,000 | \$ 1,663,751 |
| FY 2018 | \$385/\$449 | \$436 | \$ 432,107 | \$ 3,795,858 | \$ 1,500,000 | \$ 450,000 | \$ 1,845,858 |
| FY 2019 | \$449/\$453 | \$424 | \$ 940,679 | \$ 4,736,537 | \$ 1,500,000 | \$ 550,000 | \$ 2,686,537 |
| FY 2020 | \$453/\$458 | \$434 | \$ 791,697 | \$ 5,528,234 | \$ 1,500,000 | \$ 550,000 | \$ 3,478,234 |
| FY 2021 | \$458 | \$412 | \$ 1,543,940 | \$ 7,072,174 | \$ 1,500,000 | \$ 1,050,000 | \$ 4,522,174 |
| FY 2022 | \$458 | \$409 | \$ 1,641,094 | \$ 8,713,268 | \$ 2,000,000 | \$ 1,000,000 | \$ 5,713,268 |
| FY 2023 | \$458 | \$424 | \$ 1,136,221 | \$ 9,849,489 | \$ 2,000,000 | \$ 2,700,000 | \$ 5,149,489 |
| PROJECTIONS | | | | | | | |
| FY 2024 PROJECTION | \$458 | \$463 | \$ (176,790) | \$ 9,672,699 | \$ 2,000,000 | \$ 2,431,962 | \$ 5,240,737 |
| FY 2025 | \$458 | \$500 | \$ (1,460,816) | \$ 8,211,883 | \$ 2,000,000 | \$ 2,314,125 | \$ 3,897,758 |
| FY 2026 | \$458 | \$518 | \$ (2,096,910) | \$ 6,114,973 | \$ 2,000,000 | \$ 2,312,625 | \$ 1,802,348 |
| FY 2027 | \$458 | \$549 | \$ (3,211,136) | \$ 2,903,837 | \$ 2,000,000 | \$ 2,311,125 | \$ (1,407,288) |
| FY 2028 | \$458 | \$565 | \$ (3,827,989) | \$ (924,152) | \$ 2,000,000 | \$ 2,309,625 | \$ (5,233,777) |
| PROJECTIONS w/\$600K offset | | | | | | | |
| FY 2025 | \$458 | \$483 | \$ (860,816) | \$ 8,811,883 | \$ 2,000,000 | \$ 2,314,125 | \$ 4,497,758 |
| FY 2026 | \$458 | \$501 | \$ (1,496,910) | \$ 7,314,973 | \$ 2,000,000 | \$ 2,312,625 | \$ 3,002,348 |
| FY 2027 | \$458 | \$532 | \$ (2,611,136) | \$ 4,703,837 | \$ 2,000,000 | \$ 2,311,125 | \$ 392,712 |
| FY 2028 | \$458 | \$549 | \$ (3,227,989) | \$ 1,475,848 | \$ 2,000,000 | \$ 2,309,625 | \$ (2,833,777) |

The effective license fee from FY24 to FY28 increases each year due to the corresponding growth in net losses and limited increase in the number of attorney licenses. The increases range from 3-6% annually (and an average of 4%), which is in line with the annual increase in expenses of approximately 4%.

ATTACHMENTS

| A | Final FY25 General Fund Budget |
|----------|---|
| B | Final FY25 CLE Budget |
| C | Final FY25 CPF Budget |
| D | Final FY25 Sections Budgets |
| E | Request to Change Section Dues- Taxation Section |
| F | Final FY25 Capital Budget |
| G | WSBA Budget Glossary |

ATTACHMENT A

**Washington State Bar Association Financial Summary
Fiscal Year 2025 Budget Final Draft**

| Category | FY25 Budgeted Revenues | FY25 Budgeted Total Expenses | FY25 Budgeted Net Result |
|--|---------------------------------------|---|---|
| Access to Justice | - | 390,330 | (390,330) |
| Admissions/Bar Exam | 1,480,180 | 1,386,331 | 93,849 |
| Advancement FTE | - | 389,588 | (389,588) |
| Bar News | 589,600 | 713,936 | (124,336) |
| Board of Governors | - | 547,213 | (547,213) |
| Character & Fitness Board | - | 173,905 | (173,905) |
| Communications Strategies | 600 | 961,677 | (961,077) |
| Communications Strategies FTE | - | 249,012 | (249,012) |
| Discipline | 90,000 | 6,492,254 | (6,402,254) |
| Diversity | 135,000 | 442,805 | (307,805) |
| Finance | 600,000 | 1,159,713 | (559,713) |
| Foundation | - | 183,526 | (183,526) |
| Human Resources | - | 574,952 | (574,952) |
| Law Clerk Program | 207,200 | 229,692 | (22,492) |
| Legislative | - | 280,573 | (280,573) |
| Legal Lunchbox | 34,000 | 38,917 | (4,917) |
| Licensing and Membership Records | 450,200 | 826,258 | (376,058) |
| Licensing Fees | 17,492,616 | - | 17,492,616 |
| Limited License Legal Technician | 25,031 | 115,588 | (90,557) |
| Limited Practice Officers | 189,300 | 143,867 | 45,433 |
| Mandatory CLE | 1,233,800 | 805,080 | 428,720 |
| Member Wellness Program | 10,000 | 239,651 | (229,651) |
| Member Services & Engagement | 16,300 | 411,369 | (395,069) |
| Mini CLE | - | 119,503 | (119,503) |
| New Member Education | 88,000 | 108,818 | (20,818) |
| Office of General Counsel | - | 1,028,444 | (1,028,444) |
| Office of the Executive Director | - | 988,085 | (988,085) |
| OGC-Disciplinary Board | - | 326,545 | (326,545) |
| Practice of Law Board | - | 92,989 | (92,989) |
| Practice Management Assistance | 62,000 | 235,653 | (173,653) |
| Professional Responsibility Program | - | 215,119 | (215,119) |
| Public Service Programs | 132,400 | 534,374 | (401,974) |
| Publication and Design Services | - | 129,220 | (129,220) |
| Regulatory Services FTE | - | 449,371 | (449,371) |
| Regulatory Reform | - | 199,962 | (199,962) |
| Sections Administration | 275,000 | 299,310 | (24,310) |
| Service Center | - | 729,227 | (729,227) |
| Technology | - | 2,048,168 | (2,048,168) |
| Volunteer Engagement | - | 311,017 | (311,017) |
| Subtotal General Fund | 23,111,227 | 24,572,042 | (1,460,815) |
| Expenses using reserve funds | | (109,065.00) | 109,065 |
| Total General Fund - Net Result from Operations | 23,111,227 | 24,462,977 | (1,351,749) |
| CLE-Seminars and Products | 1,623,710 | 1,357,807 | 265,903 |
| CLE - Deskbooks | 131,000 | 331,902 | (200,902) |
| Total CLE | 1,754,710 | 1,689,709 | 65,001 |
| Expenses using Facilities Reserve funds | - | (7,789) | 7,789 |
| Total CLE Fund - Net Result from Operations | 1,754,710 | 1,681,920 | 72,790 |
| Total All Sections | 645,483 | 1,005,206 | (359,722) |
| Client Protection Fund-Restricted | 930,540 | 689,364 | 241,176 |
| Expenses using Facilities Reserve funds | - | (983.00) | 983 |
| Total CPF Fund - Net Result from Operations | 930,540 | 688,381 | 242,158 |
| Totals | 26,441,960 | 27,956,320 | (1,514,360) |
| Totals Net of Use of Facilities Reserve Funds | 26,441,960 | 27,838,483 | (1,396,523) |

**Washington State Bar Association
Budget Comparison**

| Cost Center | FY25 FTE | 147.50 | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------|-----------------------|-----------------------------------|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
| All | REFORECAST FTE | 144.50 | | | | | | |
| Revenue | 40205 | DIVERSION | 7,500 | 10,000 | 2,500 | 33% | 7,750 | 10,500 |
| | 40210 | RECORDS REQUEST FEES | - | - | - | | 9 | - |
| | 40300 | DONATIONS & GRANTS | 265,000 | 267,400 | 2,400 | 1% | 265,000 | 265,000 |
| | 40500 | INTEREST - INVESTMENTS | 847,147 | 802,050 | (45,097) | -5% | 1,119,741 | 1,001,204 |
| | 40600 | LICENSE FEES | 16,692,574 | 16,853,241 | 160,667 | 1% | 16,191,504 | 12,180,532 |
| | 40625 | LICENSE FEES - NEW ADMITTEES | 417,925 | 429,375 | 11,450 | 3% | 394,252 | 315,411 |
| | 40650 | LICENSE FEES - LATE FEES | 200,000 | 200,000 | - | 0% | 269,748 | 381,975 |
| | 40675 | LICENSE FEES - REINSTATEMENTS | 10,000 | 10,000 | - | 0% | 15,762 | 19,463 |
| | 40705 | EXAM SOFTWARE REVENUE | 27,500 | 27,500 | - | 0% | 28,270 | 7,450 |
| | 40800 | PUBLICATIONS REVENUE | 1,500 | 1,250 | (250) | -17% | 2,008 | 972 |
| | 40900 | ROYALTIES | 75,300 | 74,800 | (500) | -1% | 85,361 | 61,601 |
| | 40950 | NMP PRODUCT SALES | 40,000 | 60,000 | 20,000 | 50% | 35,823 | 97,419 |
| | 41000 | SHIPPING & HANDLING | 300 | 210 | (90) | -30% | 153 | 45 |
| | 41100 | STATUS CERTIFICATE FEES | 27,000 | 27,000 | - | 0% | 27,775 | 22,100 |
| | 41450 | SPONSORSHIPS | 11,000 | 13,500 | 2,500 | 23% | 9,000 | 11,566 |
| | 41500 | ANNUAL OR OTHER MEETING REV | 4,320 | 5,575 | 1,255 | 29% | 4,320 | 4,710 |
| | 41700 | CONFERENCES & INSTITUTES | 38,000 | 3,738 | (34,262) | -90% | - | 3,739 |
| | 41800 | SEMINAR REGISTRATIONS | 842,000 | 848,000 | 6,000 | 1% | 793,964 | 479,574 |
| | 41805 | MINI-CLE REVENUE | 33,690 | 32,890 | (800) | -2% | 23,655 | 27,497 |
| | 41825 | SEMINAR REVENUE-OTHER | 20,000 | 20,000 | - | 0% | 38,972 | 30,852 |
| | 41850 | SEMINAR SPLITS W/ CLE | (7,125) | (10,300) | (3,175) | 45% | (0) | - |
| | 41875 | SEMINAR SPLITS W/ OTHERS | 11,000 | 20,000 | 9,000 | 82% | 12,426 | 23,241 |
| | 42207 | BAR EXAM FEES | 1,160,000 | 1,280,780 | 120,780 | 10% | 1,075,529 | 1,108,285 |
| | 42230 | BAR EXAM LATE FEES | 55,000 | 98,200 | 43,200 | 79% | 65,400 | 56,700 |
| | 42232 | HOUSE COUNSEL APPLICATION FEES | 45,000 | 56,260 | 11,260 | 25% | 26,880 | 21,380 |
| | 42270 | RULE 9/LEGAL INTERN FEES | 12,000 | 12,500 | 500 | 4% | 13,350 | 13,750 |
| | 42275 | LAW CLERK FEES | 204,000 | 204,000 | - | 0% | 206,166 | 191,568 |
| | 42281 | LLLT LICENSE FEES | 18,562 | 17,731 | (831) | -4% | 13,908 | 11,317 |
| | 42285 | FOREIGN LAW CONSULTANT FEES | 1,240 | 1,940 | 700 | 56% | 1,540 | 1,860 |
| | 42286 | LAW CLERK APPLICATION FEES | 3,200 | 3,200 | - | 0% | 3,400 | 3,900 |
| | 42287 | SPECIAL ADMISSIONS | - | 3,000 | 3,000 | | 3,510 | 3,510 |
| | 42288 | INVESTIGATION FEES | 20,200 | 20,300 | 100 | 0% | 26,100 | 23,200 |
| | 42290 | PRO HAC VICE | 400,000 | 400,000 | - | 0% | 375,560 | 368,705 |
| | 42291 | LLLT LATE LICENSE FEES | - | - | - | | 133 | 404 |
| | 42450 | AUDIT REVENUE | 1,000 | 1,000 | - | 0% | 850 | 170 |
| | 42570 | 50 YEAR MEMBER TRIBUTE LUNCH | 500 | 100 | (400) | -80% | 1,615 | 1,900 |
| | 42710 | BNEWS DISPLAY ADVERTISING | 400,000 | 405,000 | 5,000 | 1% | 400,556 | 326,264 |
| | 42720 | BNEWS SUBSCRIPT/SINGLE ISSUES | 100 | 100 | - | 0% | 108 | 108 |
| | 42730 | BNEWS CLASSIFIED ADVERTISING | 7,500 | 2,500 | (5,000) | -67% | 7,220 | 2,205 |
| | 42760 | JOB TARGET ADVERTISING | 200,000 | 180,000 | (20,000) | -10% | 174,398 | 102,012 |
| | 43100 | DESKBOOK SALES (LEXISNEXIS PRINT) | 30,000 | 30,000 | - | 0% | 40,042 | 8,081 |
| | 43200 | COURSEBOOK SALES | 10,000 | 3,500 | (6,500) | -65% | 1,115 | 360 |
| | 43400 | DIGITAL VIDEO SALES | 920,000 | 950,000 | 30,000 | 3% | 951,396 | 845,807 |
| | 43450 | SECTION PUBLICATION SALES | 1,500 | 1,000 | (500) | -33% | 2,300 | 585 |
| | 43455 | LEXIS/NEXIS ROYALTIES | 75,000 | 75,000 | - | 0% | 53,429 | 39,466 |
| | 43525 | CASEMAKER ROYALTIES | 30,000 | 25,000 | (5,000) | -17% | 46,667 | 17,130 |

| | | | | | | | |
|----------------------|--------------------------------|-------------------|-------------------|----------------|-----------|-------------------|-------------------|
| 44100 | WSBA LOGO MERCHANDISE SALES | - | 500 | 500 | | 2,760 | 2,414 |
| 44350 | RECOVERY OF DISCIPLINE COSTS | 100,000 | 70,000 | (30,000) | -30% | 51,272 | 37,823 |
| 44450 | DISCIPLINE HISTORY SUMMARY | 18,000 | 19,000 | 1,000 | 6% | 17,969 | 13,320 |
| 44820 | CPF RESTITUTION | 10,000 | 10,000 | - | 0% | 9,177 | 23,719 |
| 44840 | CPF MEMBER ASSESSMENTS | 525,930 | 720,540 | 194,610 | 37% | 715,570 | 537,265 |
| 45040 | MEMBER CONTACT INFORMATION | 3,700 | 3,000 | (700) | -19% | 3,586 | 5,706 |
| 45060 | PHOTO BAR CARD SALES | 200 | 200 | - | 0% | 240 | 216 |
| 45110 | LPO EXAMINATION FEES | 22,000 | 20,000 | (2,000) | -9% | 24,000 | 18,900 |
| 45115 | LPO EXAM LATE FEE | 3,300 | 3,000 | (300) | -9% | - | - |
| 45120 | LPO LICENSE FEES | 170,000 | 160,000 | (10,000) | -6% | 161,134 | 118,233 |
| 45125 | LPO LATE LICENSE FEES | 2,500 | 2,000 | (500) | -20% | 2,220 | 3,600 |
| 45210 | ACTIVITY APPLICATION FEE | 550,000 | 600,000 | 50,000 | 9% | 671,300 | 548,800 |
| 45215 | ACTIVITY APPLICATION LATE FEE | 220,000 | 220,000 | - | 0% | 252,000 | 209,550 |
| 45220 | MCLE LATE FEES | 194,150 | 229,300 | 35,150 | 18% | 236,150 | 269,625 |
| 45230 | ANNUAL ACCREDITED SPONSOR FEES | 36,000 | 39,000 | 3,000 | 8% | 39,000 | 36,750 |
| 45250 | ATTENDANCE LATE FEES | 90,000 | 120,000 | 30,000 | 33% | 126,650 | 94,100 |
| 45255 | COMITY CERTIFICATES - REQUEST | 13,800 | 13,800 | - | 0% | 12,900 | 12,772 |
| 45260 | COMITY CERTIFICATES - SUBMIT | 14,000 | 16,000 | 2,000 | 14% | 17,450 | 15,775 |
| 47100 | TRIAL ADVOCACY PROGRAM | 12,000 | 15,000 | 3,000 | 25% | 15,779 | 12,098 |
| 48010 | REIMBURSEMENTS FROM SECTIONS | 297,786 | 275,000 | (22,786) | -8% | 268,147 | 364,230 |
| 48200 | SECTION DUES REVENUE | 438,431 | 438,280 | (151) | 0% | 427,651 | 562,181 |
| Total Revenue | | 25,881,230 | 26,441,960 | 560,730 | 2% | 25,871,618 | 20,980,593 |

| | | | | | | | | |
|---------------|--------------|---------------------------------|---------|---------|----------|-------|---------|---------|
| Direct | 50015 | DEPRECIATION | 16,214 | 36,259 | 20,045 | 124% | - | - |
| | 50020 | BANK FEES | 3,000 | 2,500 | (500) | -17% | 2,705 | (2,115) |
| | 50033 | CONSULTING SERVICES | 230,550 | 177,700 | (52,850) | -23% | 145,998 | 79,092 |
| | 50037 | DONATIONS/SPONSORSHIPS/GRANTS | 292,309 | 300,000 | 7,691 | 3% | 259,328 | 170,355 |
| | 50050 | EQUIPMENT, HARDWARE & SOFTWARE | 4,500 | 2,400 | (2,100) | -47% | - | 2,941 |
| | 50060 | POSTAGE | 129,002 | 141,652 | 12,650 | 10% | 128,851 | 110,024 |
| | 50070 | PRINTING & COPYING | 252,400 | 265,500 | 13,100 | 5% | 220,355 | 163,985 |
| | 50080 | PUBLICATIONS PRODUCTION | 300 | 350 | 50 | 17% | 169 | - |
| | 50085 | YLL SECTION PROGRAM | 1,500 | 1,300 | (200) | -13% | 705 | - |
| | 50095 | CLE COMPS | 1,000 | 1,000 | - | 0% | - | - |
| | 50100 | STAFF TRAVEL/PARKING | 81,071 | 107,471 | 26,400 | 33% | 62,292 | 32,553 |
| | 50110 | STAFF CONFERENCE & TRAINING | 131,492 | 137,432 | 5,940 | 5% | 73,348 | 58,744 |
| | 50120 | STAFF MEMBERSHIP DUES | 21,818 | 22,260 | 442 | 2% | 12,132 | 14,510 |
| | 50130 | SUBSCRIPTIONS | 10,025 | 10,996 | 971 | 10% | 9,027 | 7,540 |
| | 50135 | TRANSCRIPTION SERVICES | 2,100 | - | (2,100) | -100% | - | - |
| | 50140 | SUPPLIES | 2,750 | 5,200 | 2,450 | 89% | 3,079 | 2,010 |
| | 50145 | SURVEYS | 17,600 | - | (17,600) | -100% | 29,512 | 10,000 |
| | 50155 | DIGITAL/ONLINE DEVELOPMENT | 2,000 | 2,000 | - | 0% | 571 | 522 |
| | 50160 | TELEPHONE | 100,285 | 94,575 | (5,710) | -6% | 88,785 | 64,077 |
| | 50165 | CONFERENCE CALLS | 2,654 | 2,207 | (447) | -17% | 781 | 711 |
| | 52110 | PRO BONO & LEGAL AID COMMITTEE | 2,500 | 2,500 | - | 0% | 1,339 | 782 |
| | 52121 | ATJ BOARD RETREAT | 4,000 | 6,000 | 2,000 | 50% | 2,130 | 1,898 |
| | 52125 | LEADERSHIP TRAINING | 39,000 | 41,000 | 2,000 | 5% | 20,770 | 19,454 |
| | 52140 | ATJ BOARD EXPENSE | 65,000 | 58,500 | (6,500) | -10% | 82,008 | 19,028 |
| | 52210 | FACILITY, PARKING, FOOD | 100,300 | 109,500 | 9,200 | 9% | 106,414 | 45,221 |
| | 52215 | EXAMINER FEES | 34,000 | 44,500 | 10,500 | 31% | 28,500 | 11,500 |
| | 52221 | UBE EXAMINATIONS | 113,000 | 118,000 | 5,000 | 4% | 117,486 | 37,088 |
| | 52225 | BOARD OF BAR EXAMINERS | 39,000 | 42,500 | 3,500 | 9% | 30,557 | 7,532 |
| | 52230 | BAR EXAM PROCTORS | 21,000 | 23,000 | 2,000 | 10% | 38,709 | 5,494 |
| | 52235 | CHARACTER & FITNESS BOARD EXP | 18,000 | 18,000 | - | 0% | 331 | 2,064 |
| | 52240 | DISABILITY ACCOMMODATIONS | 70,967 | 80,000 | 9,033 | 13% | 33,037 | 29,274 |
| | 52245 | CHARACTER & FITNESS INVESTI | 1,100 | 1,100 | - | 0% | - | (59) |
| | 52250 | LAW SCHOOL VISITS | 1,700 | 2,000 | 300 | 18% | 644 | 411 |
| | 52255 | LAW CLERK BOARD | 8,000 | 8,000 | - | 0% | 5,680 | 4,894 |
| | 52258 | LAW CLERK OUTREACH | 5,000 | 30,000 | 25,000 | 500% | - | 73 |
| | 52270 | DEPRECIATION-SOFTWARE | 11,038 | - | (11,038) | -100% | 24,447 | 9,876 |
| | 52520 | ABA DELEGATES | 14,000 | 16,000 | 2,000 | 14% | 12,592 | 7,487 |
| | 52540 | SECTION/COMMITTEE CHAIR MTGS | 1,000 | 700 | (300) | -30% | 456 | 80 |
| | 52570 | APEX | 50,000 | 52,500 | 2,500 | 5% | 39,146 | 21,491 |
| | 52573 | 50 YEAR MEMBER TRIBUTE LUNCH | 30,000 | 35,000 | 5,000 | 17% | 22,084 | 25,247 |
| | 52585 | WASHINGTON LEADERSHIP INSTITUTE | 80,000 | 100,000 | 20,000 | 25% | 79,486 | 80,000 |
| | 52590 | BAR LEADERS CONFERENCE | - | - | - | - | 8,497 | - |
| | 52660 | JUD RECOMMEND COMMITTEE | 2,250 | 2,250 | - | 0% | - | - |
| | 52680 | COMMITTEE FOR DIVERSITY | 3,800 | 5,900 | 2,100 | 55% | 2,890 | 261 |
| | 52681 | DIVERSITY EVENTS & PROJECTS | 31,800 | 43,100 | 11,300 | 36% | 6,595 | 975 |
| | 52683 | LLT BOARD | 14,240 | 11,500 | (2,740) | -19% | 4,882 | 1,118 |
| | 52687 | INTERNAL DIVERSITY OUTREACH | - | 7,500 | 7,500 | - | - | - |
| | 52688 | EXAM WRITING | 9,000 | 19,000 | 10,000 | 111% | 8,400 | 8,400 |
| | 52689 | LLT EDUCATION | - | 1,000 | 1,000 | - | 535 | - |
| | 52710 | GRAPHICS/ARTWORK | 100 | 1,000 | 900 | 900% | - | 1,103 |
| | 52750 | EDITORIAL ADVIS COMMITTEE EXP | - | 300 | 300 | - | 75 | 20 |
| | 52810 | BOG MEETINGS | 190,000 | 148,000 | (42,000) | -22% | 228,469 | 82,674 |
| | 52812 | NEW GOVERNOR ORIENTATION | 10,000 | 10,000 | - | 0% | - | - |
| | 52820 | BOG COMMITTEES' EXPENSES | 2,500 | 2,000 | (500) | -20% | 145 | 18 |

| | | | | | | | |
|-------|---------------------------------------|----------|-----------|----------|-------|----------|----------|
| 52821 | BOG RETREAT | 35,000 | 40,000 | 5,000 | 14% | 48,472 | 17,487 |
| 52822 | BOG CONFERENCE ATTENDANCE | 60,000 | 39,500 | (20,500) | -34% | 27,077 | 48,682 |
| 52823 | PRESIDENT'S PHOTO | 3,300 | 3,300 | - | 0% | - | 488 |
| 52830 | BOG TRAVEL & OUTREACH | 22,000 | 50,000 | 28,000 | 127% | 23,589 | 20,768 |
| 52840 | ED TRAVEL & OUTREACH | 4,000 | 6,000 | 2,000 | 50% | 1,640 | 4,595 |
| 52874 | PUBLIC DEFENSE | 4,000 | 4,000 | - | 0% | 1,086 | 2,043 |
| 52878 | COMMUNICATIONS OUTREACH | 15,000 | 15,000 | - | 0% | 3,287 | 3,259 |
| 52880 | BOG ELECTIONS | 26,900 | 42,000 | 15,100 | 56% | 18,400 | 9,041 |
| 52891 | LONG RANGE STRATEGIC PLANNING COUNCIL | 600 | - | (600) | -100% | - | - |
| 52940 | BOARD OF TRUSTEES | 3,250 | 3,600 | 350 | 11% | 812 | 474 |
| 52960 | PRESIDENT'S DINNER | 15,000 | 10,000 | (5,000) | -33% | 26,390 | 482 |
| 53210 | COST OF SALES - DESKBOOKS | 4,000 | 5,000 | 1,000 | 25% | 83,645 | 2,665 |
| 53220 | COST OF SALES - COURSEBOOKS | 1,100 | 300 | (800) | -73% | 106 | 24 |
| 53225 | COST OF SALES - SECTION PUBLIC | 500 | 500 | - | 0% | 2,217 | 355 |
| 53260 | OBSOLETE INVENTORY | 21,000 | 48,250 | 27,250 | 130% | - | 4,122 |
| 53255 | CLE-EQUIP-DEPRECIATION | 2,040 | 2,012 | (28) | -1% | 3,351 | 1,530 |
| 53265 | SPLITS TO SECTIONS | 300 | 300 | - | 0% | 454 | 96 |
| 53270 | DESKBOOK ROYALTIES | 300 | 300 | - | 0% | 92 | 198 |
| 53282 | SOFTWARE HOSTING | 60,500 | 68,074 | 7,574 | 13% | - | 48,064 |
| 53283 | ON24 OVERAGE CHARGE | 4,500 | 4,500 | - | 0% | - | 6,067 |
| 53285 | ONLINE PRODUCT HOSTING EXPENSES | 53,000 | 54,000 | 1,000 | 2% | 53,338 | 36,979 |
| 53320 | POSTAGE & DELIVERY-DESKBOOKS | - | 300 | 300 | - | 90 | - |
| 53330 | POSTAGE & DELIVERY-COURSEBOOKS | 500 | 200 | (300) | -60% | 34 | 13 |
| 53610 | COURSEBOOK PRODUCTION | 500 | 500 | - | 0% | 45 | - |
| 53640 | ACCREDITATION FEES | 3,000 | 3,000 | - | 0% | 2,670 | 1,818 |
| 53690 | FACILITIES | 160,500 | 165,000 | 4,500 | 3% | 120,386 | 66,553 |
| 53700 | SPEAKERS & PROGRAM DEVELOPMENT | 45,100 | 48,100 | 3,000 | 7% | 25,852 | 16,134 |
| 53730 | HONORARIUM | 4,500 | 4,500 | - | 0% | - | - |
| 53731 | INSURANCE REBATE | (425) | (3,375) | (2,950) | 694% | (322) | - |
| 53740 | CLE SEMINAR COMMITTEE | 200 | 200 | - | 0% | - | - |
| 54026 | IMAGE LIBRARY | 4,100 | 4,800 | 700 | 17% | 4,100 | 4,752 |
| 54027 | BAR OUTREACH | 18,000 | 20,000 | 2,000 | 11% | 2,648 | 3,337 |
| 54130 | PRO BONO CERTIFICATES | 2,000 | 4,000 | 2,000 | 100% | 905 | 75 |
| 54310 | COURT REPORTERS | 75,500 | 100,000 | 24,500 | 32% | 68,884 | 90,117 |
| 54320 | OUTSIDE COUNSEL EXPENSES | 1,000 | 1,000 | - | 0% | - | 250 |
| 54360 | LITIGATION EXPENSES | 40,200 | 40,200 | - | 0% | 29,343 | 39,159 |
| 54370 | DISABILITY EXPENSES | 9,000 | 5,500 | (3,500) | -39% | 2,734 | 1,414 |
| 54400 | TRANSLATION SERVICES | 1,000 | 12,000 | 11,000 | 1100% | 4,994 | 8,538 |
| 54512 | STAFF TRAINING- GENERAL | 12,912 | 36,800 | 23,888 | 185% | 4,199 | 7,231 |
| 54520 | RECRUITING AND ADVERTISING | 8,000 | 8,000 | - | 0% | 6,918 | 4,789 |
| 54530 | PAYROLL PROCESSING | 50,000 | 50,000 | - | 0% | 47,001 | 31,275 |
| 54540 | SALARY SURVEYS | 1,500 | 1,000 | (500) | -33% | - | 1,973 |
| 54590 | TRANSFER TO INDIRECT EXPENSE | (77,112) | (111,300) | (34,188) | 44% | (60,354) | (48,158) |
| 54610 | LIBRARY MATERIALS/RESOURCES | 4,000 | 4,000 | - | 0% | 1,158 | 133 |
| 54715 | MEMBER WELLNESS COUNCIL | 1,000 | 4,250 | 3,250 | 325% | - | - |
| 54810 | GIFTS TO INJURED CLIENTS | 500,000 | 500,000 | - | 0% | 342,424 | 18,975 |
| 54820 | CPF BOARD | 2,000 | 2,000 | - | 0% | 1,125 | 499 |
| 54910 | RENT - OLYMPIA OFFICE | 1,500 | - | (1,500) | -100% | - | - |
| 54920 | CONTRACT LOBBYIST | 12,500 | 15,000 | 2,500 | 20% | 12,500 | 12,500 |
| 54940 | LEGISLATIVE COMMITTEE | 1,250 | 1,250 | - | 0% | - | 2 |
| 54970 | BOG LEGISLATIVE COMMITTEE | 300 | 300 | - | 0% | - | - |
| 55010 | LICENSING FORMS | - | - | - | - | 2,401 | - |
| 55130 | LPO BOARD EXPENSES | 4,000 | 4,000 | - | 0% | 2,301 | 278 |
| 55165 | LPO OUTREACH | 1,000 | 1,000 | - | 0% | - | - |
| 55210 | MCLE BOARD EXPENSES | 5,000 | 4,000 | (1,000) | -20% | - | - |

| | | | | | | | |
|------------------------------|--------------------------------|------------------|------------------|----------------|-----------|------------------|------------------|
| 55220 | DEPRECIATION-SOFTWARE | 130,449 | 142,183 | 11,734 | 9% | 6,443 | 91,256 |
| 55250 | CASEMAKER/FASTCASE | 75,000 | 85,000 | 10,000 | 13% | 80,723 | 84,042 |
| 55265 | SPEAKERS & PROGRAM DEVELOPMENT | 250 | 250 | - | 0% | - | - |
| 55266 | NEW LAWYER OUTREACH EVENTS | 1,500 | 5,000 | 3,500 | 233% | 250 | 509 |
| 55270 | NEW LAWYERS COMMITTEE | 13,500 | 15,000 | 1,500 | 11% | 5,094 | 2,286 |
| 55310 | DISCIPLINARY BOARD EXPENSES | 4,000 | 5,000 | 1,000 | 25% | - | 797 |
| 55320 | CHIEF HEARING OFFICER | 40,000 | 40,000 | - | 0% | 30,000 | 29,997 |
| 55330 | HEARING OFFICER EXPENSES | 4,000 | 4,000 | - | 0% | 891 | 163 |
| 55340 | HEARING OFFICER TRAINING | 400 | 1,000 | 600 | 150% | - | - |
| 55370 | APPOINTED COUNSEL | 48,000 | 50,400 | 2,400 | 5% | 48,000 | 37,000 |
| 55380 | DISCIPLINARY SELECTION PANEL | 1,000 | 1,000 | - | 0% | - | - |
| 55419 | COURT RULES COMMITTEE | 1,000 | 1,000 | - | 0% | - | - |
| 55510 | PRACTICE OF LAW BOARD | 12,000 | 16,000 | 4,000 | 33% | 2,426 | 1,157 |
| 55555 | NEW EXPENSE ACCOUNT NEEDED | - | 95,500 | 95,500 | - | - | - |
| 55610 | CPE COMMITTEE | 1,000 | 1,000 | - | 0% | 890 | 386 |
| 55615 | WILLS | 2,000 | 2,000 | - | 0% | - | - |
| 55620 | CUSTODIANSHIP | 5,000 | 5,000 | - | 0% | 259 | 125 |
| 55970 | MEMBER ENGAGEMENT COUNCIL | 1,000 | 500 | (500) | -50% | - | - |
| 55980 | SMALL TOWN AND RURAL COMMITTEE | 5,000 | 7,500 | 2,500 | 50% | 2,659 | - |
| 55980 | SMALL TOWN AND RURAL COMMITTEE | | | | | | |
| 55981 | OUTREACH AND ACTIVITIES | 55,000 | 65,000 | 10,000 | 18% | - | 26,215 |
| 55911 | CLOUD INFRASTRUCTURE | 82,000 | 130,000 | 48,000 | 59% | - | - |
| 56100 | COMPUTER HARDWARE | 66,200 | 66,200 | - | 0% | 63,427 | 48,959 |
| 56150 | COMPUTER SOFTWARE | 330,000 | 530,000 | 200,000 | 61% | 370,068 | 258,134 |
| 56225 | HARDWARE SERVICE & WARRANTIES | 50,000 | 50,000 | - | 0% | 49,368 | 28,535 |
| 56230 | SOFTWARE MAINT & LICENSING | 380,000 | 380,000 | - | 0% | 349,017 | 321,098 |
| 56550 | THIRD PARTY SERVICES | 10,000 | 65,000 | 55,000 | 550% | 43,796 | 35,746 |
| 56900 | TRANSFER TO INDIRECT EXPENSES | (1,185,400) | (1,433,500) | (248,100) | 21% | (1,060,198) | (830,080) |
| 57320 | TRIAL ADVOCACY EXPENSES | 1,500 | 1,700 | 200 | 13% | 1,406 | 1,254 |
| 58125 | ANNUAL OR OTHER MEETING EXPENS | 24,200 | 22,700 | (1,500) | -6% | 10,380 | 14,873 |
| 58150 | ATTENDANCE AT BOG MEETINGS | 1,550 | 2,200 | 650 | 42% | - | - |
| 58175 | AWARDS | 8,260 | 5,810 | (2,450) | -30% | 3,669 | 396 |
| 58200 | BREAKFAST/LUNCH/DINNER MTG EXP | 6,000 | 4,000 | (2,000) | -33% | - | 82 |
| 58225 | CONFERENCE/INSTITUTE EXPENSE | - | 30,000 | 30,000 | - | 84,407 | (135) |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 70,080 | 70,270 | 190 | 0% | 20,113 | 18,591 |
| 58305 | EXECUTIVE COMM EXP - OTHER | 54,000 | 58,500 | 4,500 | 8% | 28,682 | 25,701 |
| 58315 | HONORARIUM | 8,100 | 9,100 | 1,000 | 12% | - | - |
| 58325 | LDSHIP/PROF DEVELOP/RETREATS | 91,830 | 89,910 | (1,920) | -2% | 37,269 | 44,357 |
| 58326 | LEGISLATIVE/LOBBYING | 2,000 | 2,000 | - | 0% | - | - |
| 58350 | MEMBERSHIP & RECRUITING EXP | 29,295 | 38,570 | 9,275 | 32% | 4,521 | 10,051 |
| 58375 | NEWSLETTER/PUBLICATION EXPENSE | 13,550 | 14,950 | 1,400 | 10% | 5,634 | 5,666 |
| 58400 | PER MEMBER CHARGE | 284,470 | 280,433 | (4,037) | -1% | 268,147 | 364,192 |
| 58450 | RECEPTION/FORUM EXPENSE | 44,810 | 62,510 | 17,700 | 40% | 21,699 | 15,617 |
| 58500 | NEW LAWYER OUTREACH | 6,320 | 6,220 | (100) | -2% | 1,917 | 120 |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 172,700 | 185,200 | 12,500 | 7% | 100,073 | 61,112 |
| 58550 | SECTION COMMITTEE EXPENSE | 2,500 | 2,000 | (500) | -20% | - | - |
| 58600 | SECTION SPECIAL PROJECTS | 14,420 | 8,020 | (6,400) | -44% | 1,950 | - |
| 58615 | LAW SCHOOL OUTREACH | 14,310 | 27,510 | 13,200 | 92% | 3,358 | 2,629 |
| 58620 | MINI-CLE EXPENSE | 53,804 | 50,516 | (3,288) | -6% | 10,654 | 15,882 |
| 58625 | SEMINAR EXPENSE - SECTIONS | 111,633 | 76,000 | (35,633) | -32% | 6,222 | 17,352 |
| 58675 | WEBSITE EXPENSES | 10,880 | 10,380 | (500) | -5% | 3,597 | 2,922 |
| 58750 | SEMINAR SCHOLARSHIPS | 8,000 | 8,000 | - | 0% | 4,438 | 778 |
| Total Direct Expenses | | 4,670,791 | 5,070,545 | 399,754 | 9% | 3,471,185 | 2,345,193 |

| | | | | | | | | |
|---------------------------------|------------------------------|--------------------------------------|--------------------|--------------------|------------------|------------|-------------------|-------------------|
| Indirect | 51110 | SALARIES | 13,743,352 | 14,691,362 | 948,009 | 7% | 12,570,946 | 9,868,544 |
| | 51120 | BUDGETED TEMPORARY EMPLOYEES | 296,112 | 238,085 | (58,027) | -20% | 196,091 | 202,840 |
| | 51210 | EMPLOYEE ASSISTANCE PLAN | 4,800 | 4,800 | 0 | 0% | 5,200 | 3,600 |
| | 51220 | EMPLOYEE SERVICE AWARDS | 1,680 | 2,610 | 930 | 55% | 2,345 | 1,300 |
| | 51230 | FICA (EMPLOYER PORTION) | 1,027,685 | 1,110,604 | 82,919 | 8% | 925,580 | 739,250 |
| | 51240 | L&I INSURANCE | 73,611 | 72,277 | (1,334) | -2% | 58,584 | 44,493 |
| | 51245 | WA STATE FAMILY MEDICAL LEAVE (ER PO | 29,686 | 33,182 | 3,496 | 12% | 25,359 | 21,074 |
| | 51250 | MEDICAL (EMPLOYER PORTION) | 1,944,108 | 2,057,482 | 113,375 | 6% | 1,676,604 | 1,396,756 |
| | 51270 | RETIREMENT (EMPLOYER PORTION) | 1,292,648 | 1,322,122 | 29,473 | 2% | 1,263,903 | 933,614 |
| | 51280 | TRANSPORTATION ALLOWANCE | 34,000 | 34,000 | 0 | 0% | 34,072 | 27,936 |
| | 51290 | UNEMPLOYMENT INSURANCE | 82,748 | 71,794 | (10,953) | -13% | 72,674 | 52,219 |
| | 51310 | WORKPLACE BENEFITS | 52,710 | 56,400 | 3,690 | 7% | 40,489 | 28,003 |
| | 51340 | HUMAN RESOURCES POOLED EXP | 77,112 | 111,300 | 34,188 | 44% | 60,354 | 48,158 |
| | 51405 | MEETING SUPPORT EXPENSES | 7,500 | 9,950 | 2,450 | 33% | 7,288 | 5,271 |
| | 51410 | RENT | 1,753,325 | 900,000 | (853,325) | -49% | 387,388 | 356,445 |
| | 51411 | MOVE/DOWNSIZING EXPENSES | 98,400 | - | (98,400) | -100% | 27,769 | 47,449 |
| | 51420 | PERSONAL PROP TAXES-WSBA | 6,650 | 8,400 | 1,750 | 26% | 5,396 | 4,572 |
| | 51430 | FURNITURE, MAINT, LH IMP | 73,832 | 75,617 | 1,785 | 2% | 18,147 | 23,569 |
| | 51440 | OFFICE SUPPLIES & EQUIP | 22,564 | 22,164 | (400) | -2% | 21,672 | 13,125 |
| | 51450 | FURN & OFFICE EQUIP DEPREC | 111,192 | 112,375 | 1,183 | 1% | 65,022 | 87,451 |
| | 51470 | COMPUTER HARDWARE DEPREC | 49,926 | 42,000 | (7,926) | -16% | 41,397 | 29,739 |
| | 51480 | COMPUTER SOFTWARE DEPREC | 71,787 | 18,067 | (53,720) | -75% | 51,471 | 33,531 |
| | 51500 | INSURANCE | 272,643 | 288,200 | 15,557 | 6% | 266,861 | 200,089 |
| | 51501 | WORK HOME FURNITURE & EQUIP | 14,000 | 14,000 | - | 0% | 5,833 | 2,731 |
| | 51505 | PROFESSIONAL FEES-AUDIT | 35,000 | 41,000 | 6,000 | 17% | 30,365 | 38,400 |
| | 51510 | PROFESSIONAL FEES- LEGAL | 200,000 | 200,000 | 0 | 0% | 43,565 | 43,977 |
| | 51512 | ONLINE LEGAL RESEARCH | 24,359 | 77,900 | 53,541 | 220% | 41,279 | 20,624 |
| | 51513 | ACCOMODATIONS FUND | 6,500 | 6,500 | 0 | 0% | - | - |
| | 51514 | TRANSLATION SERVICES | 12,000 | 12,000 | - | 0% | - | 4,985 |
| | 51515 | TELEPHONE & INTERNET | 33,000 | 33,600 | 600 | 2% | 23,557 | 24,080 |
| | 51520 | POSTAGE - GENERAL | 18,300 | 15,500 | (2,800) | -15% | 11,442 | 7,065 |
| | 51525 | RECORDS STORAGE | 68,531 | 10,000 | (58,531) | -85% | 27,155 | 30,000 |
| | 51530 | BANK FEES (INDIRECT) | 50,000 | 40,000 | (10,000) | -20% | 46,382 | 21,367 |
| | 51620 | PRODUCTION MAINT & SUPPLIES | 12,500 | 13,000 | 500 | 4% | 3,837 | 8,860 |
| | 51710 | COMPUTER POOLED EXPENSES | 1,185,400 | 1,433,500 | 248,100 | 21% | 1,060,198 | 830,080 |
| 51925 | ALLOWANCE FOR OPEN POSITIONS | (200,000) | (200,000) | - | 0% | - | - | |
| 51955 | CAPITAL LABOR & OVERHEAD | (210,000) | (75,000) | 135,000 | -64% | (275,379) | (67,990) | |
| 51935 | INSURANCE REBATE | (4,060) | (19,016) | (14,956) | 368% | - | - | |
| TOTAL INDIRECT EXPENSES: | | | 22,373,601 | 22,885,776 | 512,174 | 2% | 18,844,209 | 15,133,205 |
| TOTAL ALL EXPENSES: | | | 27,044,392 | 27,956,320 | 911,928 | 3% | 22,315,394 | 17,478,398 |
| NET INCOME (LOSS): | | | (1,163,162) | (1,514,360) | (351,198) | 30% | 3,556,224 | 3,502,195 |

**Washington State Bar Association
Budget Comparison**

INDIRECT EXPENSES

Cost Center
All

FY25 FTE 147.50
REFORECAST FTE 144.50

| | | | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|-----------------|--------------|--|----------------------|-------------------|-----------------------------|-------------|--------------------------|--------------------------|
| INDIRECT | 51110 | SALARIES | 13,743,352 | 14,691,362 | 948,009 | 7% | 12,570,946 | 9,868,544 |
| | 51120 | BUDGETED TEMPORARY EMPLOYEES | 296,112 | 238,085 | (58,027) | -20% | 196,091 | 202,840 |
| | 51121 | UNANTICIPATED TEMPS | - | - | - | | 1,364 | - |
| | 51925 | ALLOWANCE FOR OPEN POSITIONS | (200,000) | (200,000) | - | 0% | - | - |
| | 51935 | INSURANCE REBATE | (4,060) | (19,016) | (14,956) | 368% | - | - |
| | 51955 | CAPITAL LABOR & OVERHEAD | (210,000) | (75,000) | 135,000 | -64% | (275,379) | (67,990) |
| | 51199 | SALARY EXPENSE | 13,625,404 | 14,635,431 | 1,010,026 | 7% | 12,493,023 | 10,003,394 |
| | 51210 | EMPLOYEE ASSISTANCE PLAN | 4,800 | 4,800 | 0 | 0% | 5,200 | 3,600 |
| | 51220 | EMPLOYEE SERVICE AWARDS | 1,680 | 2,610 | 930 | 55% | 2,345 | 1,300 |
| | 51230 | FICA (EMPLOYER PORTION) | 1,027,685 | 1,110,604 | 82,919 | 8% | 925,580 | 739,250 |
| | 51240 | L&I INSURANCE | 73,611 | 72,277 | (1,334) | -2% | 58,584 | 44,493 |
| | 51245 | WA STATE FAMILY MEDICAL LEAVE (ER PORTION) | 29,686 | 33,182 | 3,496 | 12% | 25,359 | 21,074 |
| | 51250 | MEDICAL (EMPLOYER PORTION) | 1,944,108 | 2,057,482 | 113,375 | 6% | 1,676,604 | 1,396,756 |
| | 51270 | RETIREMENT (EMPLOYER PORTION) | 1,292,648 | 1,322,122 | 29,473 | 2% | 1,263,903 | 933,614 |
| | 51280 | TRANSPORTATION ALLOWANCE | 34,000 | 34,000 | 0 | 0% | 34,072 | 27,936 |
| | 51290 | UNEMPLOYMENT INSURANCE | 82,748 | 71,794 | (10,953) | -13% | 72,674 | 52,219 |
| | 51299 | BENEFITS EXPENSE | 4,490,966 | 4,708,872 | 217,906 | 5% | 4,064,319 | 3,220,240 |
| | 51310 | WORKPLACE BENEFITS | 52,710 | 56,400 | 3,690 | 7% | 40,489 | 28,003 |
| | 51340 | HUMAN RESOURCES POOLED EXP | 77,112 | 111,300 | 34,188 | 44% | 60,354 | 48,158 |
| | 51405 | MEETING SUPPORT EXPENSES | 7,500 | 9,950 | 2,450 | 33% | 7,288 | 5,271 |
| | 51410 | RENT | 1,753,325 | 900,000 | (853,325) | -49% | 387,388 | 356,445 |
| | 51411 | MOVE/DOWNSIZING EXPENSES | 98,400 | - | (98,400) | -100% | 27,769 | 47,449 |
| | 51420 | PERSONAL PROP TAXES-WSBA | 6,650 | 8,400 | 1,750 | 26% | 5,396 | 4,572 |
| | 51430 | FURNITURE, MAINT, LH IMP | 73,832 | 75,617 | 1,785 | 2% | 18,147 | 23,569 |
| | 51440 | OFFICE SUPPLIES & EQUIP | 22,564 | 22,164 | (400) | -2% | 21,672 | 13,125 |
| | 51450 | FURN & OFFICE EQUIP DEPREC | 111,192 | 112,375 | 1,183 | 1% | 65,022 | 87,451 |
| | 51470 | COMPUTER HARDWARE DEPREC | 49,926 | 42,000 | (7,926) | -16% | 41,397 | 29,739 |
| | 51480 | COMPUTER SOFTWARE DEPREC | 71,787 | 18,067 | (53,720) | -75% | 51,471 | 33,531 |
| | 51500 | INSURANCE | 272,643 | 288,200 | 15,557 | 6% | 266,861 | 200,089 |
| | 51501 | WORK HOME FURNITURE & EQUIP | 14,000 | 14,000 | - | 0% | 5,833 | 2,731 |
| | 51505 | PROFESSIONAL FEES-AUDIT | 35,000 | 41,000 | 6,000 | 17% | 30,365 | 38,400 |
| | 51510 | PROFESSIONAL FEES- LEGAL | 200,000 | 200,000 | 0 | 0% | 43,565 | 43,977 |
| | 51512 | ONLINE LEGAL RESEARCH | 24,359 | 77,900 | 53,541 | 220% | 41,279 | 20,624 |
| | 51513 | ACCOMODATIONS FUND | 6,500 | 6,500 | 0 | 0% | - | - |
| | 51514 | TRANSLATION SERVICES | 12,000 | 12,000 | - | 0% | - | 4,985 |
| | 51515 | TELEPHONE & INTERNET | 33,000 | 33,600 | 600 | 2% | 23,557 | 24,080 |
| | 51520 | POSTAGE - GENERAL | 18,300 | 15,500 | (2,800) | -15% | 11,442 | 7,065 |
| | 51525 | RECORDS STORAGE | 68,531 | 10,000 | (58,531) | -85% | 27,155 | 30,000 |
| | 51530 | BANK FEES (INDIRECT) | 50,000 | 40,000 | (10,000) | -20% | 46,382 | 21,367 |
| | 51620 | PRODUCTION MAINT & SUPPLIES | 12,500 | 13,000 | 500 | 4% | 3,837 | 8,860 |
| | 51710 | COMPUTER POOLED EXPENSES | 1,185,400 | 1,433,500 | 248,100 | 21% | 1,060,198 | 830,080 |
| | 51900 | OTHER INDIRECT EXPENSE | 4,257,231 | 3,541,473 | (715,758) | -17% | 2,286,867 | 1,909,571 |
| | | TOTAL INDIRECT EXPENSES: | 22,373,601 | 22,885,776 | 512,174 | 2% | 18,844,209 | 15,133,205 |

**Washington State Bar Association
Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

ACCESS TO JUSTICE

| | | |
|-------------|----------------|------|
| Cost Center | FY25 FTE | 1.68 |
| ATJ | REFORECAST FTE | 1.64 |

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|------------------------------|---------------|----------------|---------------|------------|----------------|---------------|
| 50100 | STAFF TRAVEL/PARKING | 2,800 | 2,800 | - | 0% | 4,093 | 537 |
| 50110 | STAFF CONFERENCE & TRAINING | 3,300 | 2,495 | (805) | -24% | 1,644 | 1,082 |
| 50145 | SURVEYS | - | - | - | | 131 | - |
| 52121 | ATJ BOARD RETREAT | 4,000 | 6,000 | 2,000 | 50% | 2,130 | 1,898 |
| 52125 | LEADERSHIP TRAINING | 4,000 | 6,000 | 2,000 | 50% | 2,175 | 3,506 |
| 52140 | ATJ BOARD EXPENSE | 65,000 | 58,500 | (6,500) | -10% | 82,008 | 19,028 |
| 52874 | PUBLIC DEFENSE | 4,000 | 4,000 | - | 0% | 1,086 | 2,043 |
| 58225 | CONFERENCE/INSTITUTE EXPENSE | - | 30,000 | 30,000 | | 84,407 | (135) |
| 58450 | RECEPTION/FORUM EXPENSE | 11,000 | 30,000 | 19,000 | 173% | 6,483 | 6,663 |
| TOTAL DIRECT EXPENSES | | 94,100 | 139,795 | 45,695 | 49% | 184,157 | 34,622 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|--------------|-----------|----------------|----------------|
| 51199 | SALARY EXPENSE | 145,500 | 157,861 | 12,361 | 8% | 138,970 | 103,685 |
| 51299 | BENEFITS EXPENSE | 52,903 | 52,337 | (566) | -1% | 46,815 | 35,815 |
| 51900 | OTHER INDIRECT EXPENSE | 48,317 | 40,337 | (7,981) | -17% | 45,497 | 33,719 |
| TOTAL INDIRECT EXPENSES: | | 246,721 | 250,535 | 3,814 | 2% | 231,281 | 173,218 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|---------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 340,821 | 390,330 | 49,509 | 15% | 415,438 | 207,840 |
|----------------------------|--|----------------|----------------|---------------|------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|------------------|------------------|-----------------|------------|------------------|------------------|
| NET INCOME (LOSS): | | (340,821) | (390,330) | (49,509) | 15% | (415,438) | (207,840) |
|---------------------------|--|------------------|------------------|-----------------|------------|------------------|------------------|

**Washington State Bar Association
Budget Comparison**

ADMISSIONS

Cost Center
ADMISS **FY25 FTE 6.65**
 REFORECAST FTE 6.75

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

| REVENUE: | | | | | | | | |
|---------------------------------|--------------------------------|------------------|------------------|----------------|--------------|------------------|------------------|--|
| 40705 | EXAM SOFTWARE REVENUE | 27,500 | 27,500 | - | 0% | 28,270 | 7,450 | |
| 42207 | BAR EXAM FEES | 1,160,000 | 1,280,780 | 120,780 | 10% | 1,075,529 | 1,108,285 | |
| 42230 | BAR EXAM LATE FEES | 55,000 | 98,200 | 43,200 | 79% | 65,400 | 56,700 | |
| 42232 | HOUSE COUNSEL APPLICATION FEES | 45,000 | 56,260 | 11,260 | 25% | 26,880 | 21,380 | |
| 42270 | RULE 9/LEGAL INTERN FEES | 12,000 | 12,500 | 500 | 4% | 13,350 | 13,750 | |
| 42285 | FOREIGN LAW CONSULTANT FEES | 1,240 | 1,940 | 700 | 56% | 1,540 | 1,860 | |
| 42287 | SPECIAL ADMISSIONS | - | 3,000 | 3,000 | | 3,510 | 3,510 | |
| TOTAL REVENUE | | 1,300,740 | 1,480,180 | 179,440 | 14% | 1,214,479 | 1,212,935 | |
| DIRECT EXPENSES: | | | | | | | | |
| 50050 | EQUIPMENT, HARDWARE & SOFTWARE | 1,000 | - | (1,000) | -100% | - | - | |
| 50060 | POSTAGE | 1,000 | 2,000 | 1,000 | 100% | 629 | 1,697 | |
| 50100 | STAFF TRAVEL/PARKING | 20,000 | 24,000 | 4,000 | 20% | 27,479 | 7,207 | |
| 50110 | STAFF CONFERENCE & TRAINING | 13,500 | 10,100 | (3,400) | -25% | 2,973 | 6,348 | |
| 50120 | STAFF MEMBERSHIP DUES | 400 | 495 | 95 | 24% | 400 | 305 | |
| 50140 | SUPPLIES | 1,500 | 2,000 | 500 | 33% | 882 | 1,767 | |
| 52210 | FACILITY, PARKING, FOOD | 94,000 | 100,000 | 6,000 | 6% | 102,379 | 42,976 | |
| 52215 | EXAMINER FEES | 34,000 | 44,500 | 10,500 | 31% | 28,500 | 11,500 | |
| 52221 | UBE EXAMINATIONS | 113,000 | 118,000 | 5,000 | 4% | 117,486 | 37,088 | |
| 52225 | BOARD OF BAR EXAMINERS | 39,000 | 42,500 | 3,500 | 9% | 30,557 | 7,532 | |
| 52230 | BAR EXAM PROCTORS | 21,000 | 23,000 | 2,000 | 10% | 38,709 | 5,494 | |
| 52240 | DISABILITY ACCOMMODATIONS | 55,967 | 65,000 | 9,033 | 16% | 30,007 | 27,408 | |
| 52245 | CHARACTER & FITNESS INVESTI | 1,000 | 1,000 | - | 0% | - | (59) | |
| 52250 | LAW SCHOOL VISITS | 1,700 | 2,000 | 300 | 18% | 644 | 411 | |
| 53282 | SOFTWARE HOSTING | 41,140 | 45,609 | 4,469 | 11% | - | 32,684 | |
| 52270 | DEPRECIATION-SOFTWARE | 11,038 | - | (11,038) | -100% | 24,447 | 9,876 | |
| TOTAL DIRECT EXPENSES | | 449,245 | 480,204 | 30,959 | 7% | 405,092 | 192,233 | |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | SALARY EXPENSE | 522,057 | 551,588 | 29,531 | 6% | 496,475 | 405,537 | |
| 51299 | BENEFITS EXPENSE | 171,676 | 194,873 | 23,197 | 14% | 193,718 | 127,172 | |
| 51900 | OTHER INDIRECT EXPENSE | 198,867 | 159,666 | (39,201) | -20% | 187,219 | 139,351 | |
| TOTAL INDIRECT EXPENSES: | | 892,601 | 906,127 | 13,527 | 2% | 877,411 | 672,060 | |
| TOTAL ALL EXPENSES: | | 1,341,846 | 1,386,331 | 44,486 | 3% | 1,282,503 | 864,293 | |
| NET INCOME (LOSS): | | (41,106) | 93,849 | 134,954 | -328% | (68,024) | 348,642 | |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

ADVANCEMENT FTE
 Cost Center **FY25 FTE** **1.96**
 ADV FTE **REFORECAST FTE** **1.89**

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | |
|--|--------------|--------------|----------------|-------------|--------------|--------------|
| 50110 STAFF CONFERENCE & TRAINING | 8,424 | 3,300 | (5,124) | -61% | 6,276 | 3,931 |
| TOTAL DIRECT EXPENSES | 8,424 | 3,300 | (5,124) | -61% | 6,276 | 3,931 |

INDIRECT EXPENSES:

| | | | | | | |
|-------------------------------------|----------------|----------------|---------------|-----------|----------------|----------------|
| 51199 SALARY EXPENSE | 244,054 | 264,525 | 20,471 | 8% | 233,552 | 185,675 |
| 51299 BENEFITS EXPENSE | 69,638 | 74,703 | 5,065 | 7% | 61,383 | 51,291 |
| 51900 OTHER INDIRECT EXPENSE | 55,683 | 47,060 | (8,623) | -15% | 52,029 | 39,090 |
| TOTAL INDIRECT EXPENSES: | 369,375 | 386,288 | 16,913 | 5% | 346,964 | 276,055 |

| | | | | | | |
|----------------------------|----------------|----------------|---------------|-----------|----------------|----------------|
| TOTAL ALL EXPENSES: | 377,799 | 389,588 | 11,789 | 3% | 353,241 | 279,986 |
|----------------------------|----------------|----------------|---------------|-----------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|-----------------|-----------|------------------|------------------|
| NET INCOME (LOSS): | (377,799) | (389,588) | (11,789) | 3% | (353,241) | (279,986) |
|---------------------------|------------------|------------------|-----------------|-----------|------------------|------------------|

Washington State Bar Association
Budget Comparison

BAR NEWS
Cost Center
BN

FY25 FTE 2.13
REFORECAST FTE 2.23

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | | | |
|----------------------|-------------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 40900 | ROYALTIES | 2,500 | 2,000 | (500) | -20% | 1,496 | - |
| 42710 | BNEWS DISPLAY ADVERTISING | 400,000 | 405,000 | 5,000 | 1% | 400,556 | 326,264 |
| 42720 | BNEWS SUBSCRIPT/SINGLE ISSUES | 100 | 100 | - | 0% | 108 | 108 |
| 42730 | BNEWS CLASSIFIED ADVERTISING | 7,500 | 2,500 | (5,000) | -67% | 7,220 | 2,205 |
| 42760 | JOB TARGET ADVERSTISING | 200,000 | 180,000 | (20,000) | -10% | 174,398 | 102,012 |
| TOTAL REVENUE | | 610,100 | 589,600 | (20,500) | -3% | 583,778 | 430,589 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-------------------------------|----------------|----------------|---------------|-----------|----------------|----------------|
| 50060 | POSTAGE | 110,000 | 121,000 | 11,000 | 10% | 110,154 | 93,118 |
| 50070 | PRINTING & COPYING | 250,000 | 262,500 | 12,500 | 5% | 217,533 | 163,420 |
| 50110 | STAFF CONFERENCE & TRAINING | 2,500 | - | (2,500) | -100% | - | - |
| 50120 | STAFF MEMBERSHIP DUES | 135 | 150 | 15 | 11% | 135 | - |
| 50130 | SUBSCRIPTIONS | 225 | 225 | - | 0% | 203 | 203 |
| 50155 | DIGITAL/ONLINE DEVELOPMENT | 2,000 | 2,000 | - | 0% | 571 | 522 |
| 52710 | GRAPHICS/ARTWORK | 100 | 1,000 | 900 | 900% | - | 1,103 |
| 52750 | EDITORIAL ADVIS COMMITTEE EXP | - | 300 | 300 | | 75 | 20 |
| TOTAL DIRECT EXPENSES | | 364,960 | 387,175 | 22,215 | 6% | 328,671 | 258,385 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 213,007 | 207,867 | (5,140) | -2% | 208,776 | 162,882 |
| 51299 | BENEFITS EXPENSE | 69,472 | 67,753 | (1,718) | -2% | 52,857 | 50,949 |
| 51900 | OTHER INDIRECT EXPENSE | 65,700 | 51,141 | (14,559) | -22% | 61,884 | 45,953 |
| TOTAL INDIRECT EXPENSES: | | 348,179 | 326,761 | (21,417) | -6% | 323,516 | 259,783 |

| | | | | | | |
|----------------------------|----------------|----------------|------------|-----------|----------------|----------------|
| TOTAL ALL EXPENSES: | 713,139 | 713,936 | 798 | 0% | 652,187 | 518,168 |
|----------------------------|----------------|----------------|------------|-----------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|-----------------|------------|-----------------|-----------------|
| NET INCOME (LOSS): | (103,039) | (124,336) | (21,298) | 21% | (68,409) | (87,579) |
|---------------------------|------------------|------------------|-----------------|------------|-----------------|-----------------|

Washington State Bar Association
Budget Comparison

BOARD OF GOVERNORS
Cost Center **FY25 FTE 1.40**
BOG **REFORECAST FTE 1.50**

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|--|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | |
| TOTAL REVENUE | - | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | |
| 50033 CONSULTING SERVICES | - | - | - | | 6,143 | - |
| 50140 SUPPLIES | 500 | 500 | - | 0% | - | 130 |
| 52125 LEADERSHIP TRAINING | 20,000 | 15,000 | (5,000) | -25% | 12,267 | - |
| 52810 BOG MEETINGS | 190,000 | 148,000 | (42,000) | -22% | 228,469 | 82,674 |
| 52820 BOG COMMITTEES' EXPENSES | 2,500 | 2,000 | (500) | -20% | 145 | 18 |
| 52821 BOG RETREAT | 35,000 | 40,000 | 5,000 | 14% | 48,472 | 17,487 |
| 52822 BOG CONFERENCE ATTENDANCE | 60,000 | 39,500 | (20,500) | -34% | 27,077 | 48,682 |
| 52830 BOG TRAVEL & OUTREACH | 22,000 | 50,000 | 28,000 | 127% | 23,589 | 20,768 |
| 52880 BOG ELECTIONS | 26,900 | 42,000 | 15,100 | 56% | 18,400 | 9,041 |
| 52960 PRESIDENT'S DINNER | 15,000 | 10,000 | (5,000) | -33% | 26,390 | 482 |
| 52812 NEW GOVERNOR ORIENTATION | 10,000 | 10,000 | - | 0% | - | - |
| 52823 PRESIDENTS PHOTO | 3,300 | 3,300 | - | 0% | - | 488 |
| 52891 LONG RANGE STRATEGIC PLANNING COUNCIL | 600 | - | (600) | -100% | - | - |
| TOTAL DIRECT EXPENSES | 385,800 | 360,300 | (25,500) | -7% | 390,952 | 179,770 |
| INDIRECT EXPENSES: | | | | | | |
| 51199 SALARY EXPENSE | 104,320 | 112,836 | 8,516 | 8% | 122,306 | 72,873 |
| 51299 BENEFITS EXPENSE | 38,166 | 40,463 | 2,297 | 6% | 34,722 | 21,292 |
| 51900 OTHER INDIRECT EXPENSE | 44,193 | 33,614 | (10,579) | -24% | 38,775 | 31,033 |
| TOTAL INDIRECT EXPENSES: | 186,679 | 186,913 | 234 | 0% | 195,803 | 125,199 |
| TOTAL ALL EXPENSES: | 572,479 | 547,213 | (25,266) | -4% | 586,754 | 304,969 |
| NET INCOME (LOSS): | (572,479) | (547,213) | 25,266 | -4% | (586,754) | (304,969) |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

CHARACTER & FITNESS BOARD
Cost Center FY25 FTE 0.75
CFB REFORECAST FTE 0.75

| REVENUE: | | | | | | | |
|---------------------------------|-------------------------------|------------------|------------------|----------------|------------|------------------|------------------|
| TOTAL REVENUE | | | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 52235 | CHARACTER & FITNESS BOARD EXP | 18,000 | 18,000 | - | 0% | 331 | 2,064 |
| 54310 | COURT REPORTERS | 15,000 | 15,000 | - | 0% | 1,709 | 687 |
| TOTAL DIRECT EXPENSES | | 33,000 | 33,000 | - | 0% | 2,040 | 2,750 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 93,739 | 95,315 | 1,576 | 2% | 90,124 | 72,748 |
| 51299 | BENEFITS EXPENSE | 30,383 | 27,582 | (2,801) | -9% | 24,774 | 21,058 |
| 51900 | OTHER INDIRECT EXPENSE | 22,096 | 18,007 | (4,089) | -19% | 20,903 | 15,517 |
| TOTAL INDIRECT EXPENSES: | | 146,219 | 140,905 | (5,314) | -4% | 135,801 | 109,322 |
| TOTAL ALL EXPENSES: | | 179,219 | 173,905 | (5,314) | -3% | 137,840 | 112,073 |
| NET INCOME (LOSS): | | (179,219) | (173,905) | 5,314 | -3% | (137,840) | (112,073) |

Washington State Bar Association
Budget Comparison

COMMUNICATION STRATEGIES

Cost Center **FY25 FTE** **6.05**
COMM **REFORECAST FTE** **5.20**

| | | | FY2024 | FY2025 | FY24 vs. FY25 | % Change | FY2023 | FY2024 |
|---------------------------|---------------------------------|--------------------------------|-------------------|------------------|----------------------|-----------------|------------------|------------------|
| | | | Reforecast | Budget | Comparison | | Actuals | Actuals |
| | | | | | | | YTD | YTD |
| REVENUE: | | | | | | | | |
| | 42570 | 50 YEAR MEMBER TRIBUTE LUNCH | 500 | 100 | (400) | -80% | 1,615 | 1,900 |
| | 44100 | WSBA LOGO MERCHANDISE SALES | - | 500 | 500 | | 2,760 | 2,414 |
| | TOTAL REVENUE | | 500 | 600 | 100 | 20% | 4,375 | 4,314 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50050 | EQUIPMENT, HARDWARE & SOFTWARE | 2,500 | - | (2,500) | -100% | - | 1 |
| | 50100 | STAFF TRAVEL/PARKING | 5,895 | 5,895 | - | 0% | 2,401 | 2,619 |
| | 50110 | STAFF CONFERENCE & TRAINING | 7,500 | 11,100 | 3,600 | 48% | 1,817 | 9,199 |
| | 50120 | STAFF MEMBERSHIP DUES | 1,120 | 1,800 | 680 | 61% | 1,567 | 497 |
| | 50130 | SUBSCRIPTIONS | 4,000 | 4,000 | - | 0% | 2,576 | 1,596 |
| | 52570 | APEX | 50,000 | 52,500 | 2,500 | 5% | 39,146 | 21,491 |
| | 52573 | 50 YEAR MEMBER TRIBUTE LUNCH | 30,000 | 35,000 | 5,000 | 17% | 22,084 | 25,247 |
| | 52878 | COMMUNICATIONS OUTREACH | 15,000 | 15,000 | - | 0% | 3,287 | 3,259 |
| | 54027 | BAR OUTREACH | 18,000 | 20,000 | 2,000 | 11% | 2,648 | 3,337 |
| | 55555 | BAR LEADERS SUMMIT | - | 35,000 | 35,000 | | - | - |
| | TOTAL DIRECT EXPENSES | | 134,015 | 180,295 | 46,280 | 35% | 75,526 | 67,245 |
| INDIRECT EXPENSES: | | | | | | | | |
| | 51199 | SALARY EXPENSE | 398,702 | 465,232 | 66,531 | 17% | 385,634 | 266,326 |
| | 51299 | BENEFITS EXPENSE | 136,595 | 170,889 | 34,294 | 25% | 124,540 | 91,941 |
| | 51900 | OTHER INDIRECT EXPENSE | 153,201 | 145,260 | (7,941) | -5% | 144,526 | 107,423 |
| | TOTAL INDIRECT EXPENSES: | | 688,499 | 781,382 | 92,883 | 13% | 654,700 | 465,689 |
| | TOTAL ALL EXPENSES: | | 822,514 | 961,677 | 139,163 | 17% | 730,227 | 532,934 |
| | NET INCOME (LOSS): | | (822,014) | (961,077) | (139,063) | 17% | (725,851) | (528,620) |

**Washington State Bar Association
Budget Comparison**

COMMUNICATION STRATEGIES FTE
 Cost Center **FY25 FTE 1.00**
 COMM FTE **REFORECAST FTE 1.00**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | |
|------------------------------|---|---|---|---|---|
| TOTAL DIRECT EXPENSES | - | - | - | - | - |
|------------------------------|---|---|---|---|---|

INDIRECT EXPENSES:

| | | | | | | | |
|--------------|------------------------|---------|---------|---------|------|---------|---------|
| 51199 | SALARY EXPENSE | 171,146 | 179,737 | 8,591 | 5% | 167,584 | 129,948 |
| 51299 | BENEFITS EXPENSE | 47,372 | 45,265 | (2,107) | -4% | 43,078 | 35,486 |
| 51900 | OTHER INDIRECT EXPENSE | 29,462 | 24,010 | (5,452) | -19% | 27,809 | 20,589 |

| | | | | | | | |
|---------------------------------|--|----------------|----------------|--------------|-----------|----------------|----------------|
| TOTAL INDIRECT EXPENSES: | | 247,980 | 249,012 | 1,032 | 0% | 238,471 | 186,023 |
|---------------------------------|--|----------------|----------------|--------------|-----------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|------------------|------------------|----------------|-----------|------------------|------------------|
| NET INCOME (LOSS): | | (247,980) | (249,012) | (1,032) | 0% | (238,471) | (186,023) |
|---------------------------|--|------------------|------------------|----------------|-----------|------------------|------------------|

Washington State Bar Association
Budget Comparison

| DISCIPLINE Cost Center DISC | FY25 FTE REFORECAST FTE | 39.00 38.00 | FY2024 | FY2025 | FY24 vs. FY25 | % Change | FY2023 | FY2024 |
|-----------------------------------|------------------------------|----------------|--------------------|--------------------|------------------|-------------|--------------------|--------------------|
| | | | Reforecast | Budget | Comparison | | Actuals YTD | Actuals YTD |
| REVENUE: | | | | | | | | |
| 42450 | AUDIT REVENUE | | 1,000 | 1,000 | - | 0% | 850 | 170 |
| 44350 | RECOVERY OF DISCIPLINE COSTS | | 100,000 | 70,000 | (30,000) | -30% | 51,272 | 37,823 |
| 44450 | DISCIPLINE HISTORY SUMMARY | | 18,000 | 19,000 | 1,000 | 6% | 17,969 | 13,320 |
| TOTAL REVENUE | | | 119,000 | 90,000 | (29,000) | -24% | 70,090 | 51,313 |
| DIRECT EXPENSES: | | | | | | | | |
| 50015 | DEPRECIATION | | 11,539 | 24,259 | 12,720 | 110% | - | - |
| 50080 | PUBLICATIONS PRODUCTION | | 300 | 350 | 50 | 17% | 169 | - |
| 50100 | STAFF TRAVEL/PARKING | | 15,000 | 25,000 | 10,000 | 67% | 7,278 | 8,374 |
| 50110 | STAFF CONFERENCE & TRAINING | | 34,627 | 37,345 | 2,718 | 8% | 30,962 | 16,972 |
| 50120 | STAFF MEMBERSHIP DUES | | 7,365 | 7,090 | (275) | -4% | 2,595 | 6,418 |
| 50160 | TELEPHONE | | 4,800 | 4,000 | (800) | -17% | 3,543 | 2,197 |
| 54310 | COURT REPORTERS | | 60,000 | 60,000 | - | 0% | 66,964 | 52,270 |
| 54320 | OUTSIDE COUNSEL EXPENSES | | 1,000 | 1,000 | - | 0% | - | 250 |
| 54360 | LITIGATION EXPENSES | | 40,000 | 40,000 | - | 0% | 29,343 | 39,159 |
| 54370 | DISABILITY EXPENSES | | 9,000 | 5,500 | (3,500) | -39% | 2,734 | 1,414 |
| 54400 | TRANSLATION SERVICES | | 1,000 | 12,000 | 11,000 | 1100% | 345 | 8,538 |
| TOTAL DIRECT EXPENSES | | | 184,630 | 216,544 | 31,914 | 17% | 143,935 | 135,592 |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | SALARY EXPENSE | | 3,795,327 | 4,063,643 | 268,316 | 7% | 3,422,233 | 2,792,882 |
| 51299 | BENEFITS EXPENSE | | 1,130,160 | 1,275,677 | 145,517 | 13% | 1,068,399 | 829,687 |
| 51900 | OTHER INDIRECT EXPENSE | | 1,119,549 | 936,389 | (183,159) | -16% | 1,049,285 | 783,886 |
| TOTAL INDIRECT EXPENSES: | | | 6,045,036 | 6,275,710 | 230,674 | 4% | 5,539,918 | 4,406,455 |
| TOTAL ALL EXPENSES: | | | 6,229,667 | 6,492,254 | 262,587 | 4% | 5,683,853 | 4,542,047 |
| NET INCOME (LOSS): | | | (6,110,667) | (6,402,254) | (291,587) | 5% | (5,613,762) | (4,490,734) |

**Washington State Bar Association
Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

DIVERSITY
Cost Center
DIV

FY25 FTE 2.69
REFORECAST FTE 2.69

| 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 | 60,550 | 7,000 | (53,550) | -88% | 33,075 | 25,500 | |
| 50100 | STAFF TRAVEL/PARKING | 1,500 | 3,700 | 2,200 | 147% | 907 | 265 | |
| 50110 | STAFF CONFERENCE & TRAINING | 2,000 | 3,000 | 1,000 | 50% | 1,618 | 2,000 | |
| 50120 | STAFF MEMBERSHIP DUES | 550 | 700 | 150 | 27% | 90 | 90 | |
| 50145 | SURVEYS | 17,500 | - | (17,500) | -100% | 28,600 | 10,000 | |
| 52680 | COMMITTEE FOR DIVERSITY | 3,800 | 5,900 | 2,100 | 55% | 2,890 | 261 | |
| 52681 | DIVERSITY EVENTS & PROJECTS | 31,800 | 43,100 | 11,300 | 36% | 6,595 | 975 | |
| 52687 | INTERNAL DIVERSITY OUTREACH | - | 7,500 | 7,500 | | - | - | |
| TOTAL DIRECT EXPENSES | | 117,700 | 70,900 | (46,800) | -40% | 73,775 | 39,091 | |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | SALARY EXPENSE | 212,559 | 227,749 | 15,190 | 7% | 112,299 | 97,845 | |
| 51299 | BENEFITS EXPENSE | 70,525 | 79,569 | 9,043 | 13% | 40,951 | 30,474 | |
| 51900 | OTHER INDIRECT EXPENSE | 79,252 | 64,587 | (14,665) | -19% | 47,000 | 55,502 | |
| TOTAL INDIRECT EXPENSES: | | 362,337 | 371,905 | 9,568 | 3% | 200,251 | 183,821 | |
| TOTAL ALL EXPENSES: | | 480,037 | 442,805 | (37,232) | -8% | 274,026 | 222,911 | |
| NET INCOME (LOSS): | | (345,037) | (307,805) | 37,232 | -11% | (139,026) | (87,911) | |

FINANCE
 Cost Center
 FIN

FY25 FTE 6.92
 REFORECAST FTE 6.92

Washington State Bar Association
 Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

| REVENUE: | | | | | | |
|---------------------------|---------------------------------|-----------------------------|------------------|------------------|-----------------|------------|
| | 40500 | INTEREST - INVESTMENTS | 650,000 | 600,000 | (50,000) | -8% |
| | | | 792,371 | 795,054 | | |
| | TOTAL REVENUE | | 650,000 | 600,000 | (50,000) | -8% |
| | | | 792,371 | 795,054 | | |
| DIRECT EXPENSES: | | | | | | |
| | 50033 | CONSULTING SERVICES | - | - | - | 875 |
| | 50100 | STAFF TRAVEL/PARKING | 1,500 | 3,750 | 2,250 | 150% |
| | 50110 | STAFF CONFERENCE & TRAINING | 520 | 500 | (20) | -4% |
| | 50120 | STAFF MEMBERSHIP DUES | 620 | 670 | 50 | 8% |
| | | | 685 | 613 | | |
| | TOTAL DIRECT EXPENSES | | 2,640 | 4,920 | 2,280 | 86% |
| | | | 3,885 | 4,515 | | |
| INDIRECT EXPENSES: | | | | | | |
| | 51199 | SALARY EXPENSE | 714,291 | 755,465 | 41,174 | 6% |
| | 51299 | BENEFITS EXPENSE | 232,902 | 233,179 | 277 | 0% |
| | 51900 | OTHER INDIRECT EXPENSE | 203,876 | 166,149 | (37,727) | -19% |
| | | | 192,702 | 142,932 | | |
| | TOTAL INDIRECT EXPENSES: | | 1,151,069 | 1,154,793 | 3,724 | 0% |
| | | | 1,058,805 | 839,102 | | |
| | TOTAL ALL EXPENSES: | | 1,153,709 | 1,159,713 | 6,004 | 1% |
| | | | 1,062,690 | 843,617 | | |
| | NET INCOME (LOSS): | | (503,709) | (559,713) | (56,004) | 11% |
| | | | (270,319) | (48,563) | | |

Washington State Bar Association
Budget Comparison

FOUNDATION
Cost Center
FOUND

FY25 FTE 1.05
REFORECAST FTE 1.05

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|--------------------------------|---------------|---------------|--------------|------------|--------------|--------------|
| 50033 | CONSULTING SERVICES | 3,000 | 3,200 | 200 | 7% | 3,000 | 3,000 |
| 50050 | EQUIPMENT, HARDWARE & SOFTWARE | - | 2,400 | 2,400 | | - | 1,516 |
| 50060 | POSTAGE | 350 | 400 | 50 | 14% | 8 | 38 |
| 50070 | PRINTING & COPYING | 700 | 1,000 | 300 | 43% | - | 442 |
| 50100 | STAFF TRAVEL/PARKING | 900 | 3,000 | 2,100 | 233% | 516 | - |
| 50110 | STAFF CONFERENCE & TRAINING | 2,300 | 2,200 | (100) | -4% | - | 279 |
| 50140 | SUPPLIES | 150 | 2,000 | 1,850 | 1233% | 24 | - |
| 52940 | BOARD OF TRUSTEES | 3,250 | 3,600 | 350 | 11% | 812 | 474 |
| TOTAL DIRECT EXPENSES | | 10,650 | 17,800 | 7,150 | 67% | 4,360 | 5,750 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 100,026 | 106,460 | 6,434 | 6% | 95,797 | 75,347 |
| 51299 | BENEFITS EXPENSE | 38,468 | 34,056 | (4,412) | -11% | 17,180 | 28,115 |
| 51900 | OTHER INDIRECT EXPENSE | 30,935 | 25,210 | (5,724) | -19% | 28,983 | 21,783 |
| TOTAL INDIRECT EXPENSES: | | 169,428 | 165,726 | (3,702) | -2% | 141,961 | 125,245 |

| | | | | | | |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|
| TOTAL ALL EXPENSES: | 180,078 | 183,526 | 3,448 | 2% | 146,320 | 130,995 |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|----------------|-----------|------------------|------------------|
| NET INCOME (LOSS): | (180,078) | (183,526) | (3,448) | 2% | (146,320) | (130,995) |
|---------------------------|------------------|------------------|----------------|-----------|------------------|------------------|

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

HUMAN RESOURCES

| | | |
|-------------|----------------|------|
| Cost Center | FY25 FTE | 4.00 |
| HR | REFORECAST FTE | 4.00 |

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|------------------------------|----------|-----------|----------|------|----------|----------|
| 50033 | CONSULTING SERVICES | 2,000 | 10,000 | 8,000 | 400% | - | - |
| 50100 | STAFF TRAVEL/PARKING | 700 | 300 | (400) | -57% | 67 | 36 |
| 50110 | STAFF CONFERENCE & TRAINING | - | 2,200 | 2,200 | - | - | - |
| 50120 | STAFF MEMBERSHIP DUES | 1,000 | 1,000 | - | 0% | 458 | 1,036 |
| 50130 | SUBSCRIPTIONS | 1,000 | 2,000 | 1,000 | 100% | 1,712 | 1,818 |
| 54512 | STAFF TRAINING- GENERAL | 12,912 | 36,800 | 23,888 | 185% | 4,199 | 7,231 |
| 54520 | RECRUITING AND ADVERTISING | 8,000 | 8,000 | - | 0% | 6,918 | 4,789 |
| 54530 | PAYROLL PROCESSING | 50,000 | 50,000 | - | 0% | 47,001 | 31,275 |
| 54540 | SALARY SURVEYS | 1,500 | 1,000 | (500) | -33% | - | 1,973 |
| 54590 | TRANSFER TO INDIRECT EXPENSE | (77,112) | (111,300) | (34,188) | 44% | (60,354) | (48,158) |
| TOTAL DIRECT EXPENSES | | - | - | - | - | 0 | - |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 608,465 | 565,461 | (43,004) | -7% | 375,431 | 357,761 |
| 51299 | BENEFITS EXPENSE | 98,842 | 113,451 | 14,609 | 15% | 119,785 | 112,095 |
| 51925 | ALLOWANCE FOR OPEN POSITIONS | (200,000) | (200,000) | - | 0% | - | - |
| 51900 | OTHER INDIRECT EXPENSE | 117,847 | 96,040 | (21,807) | -19% | 111,235 | 82,656 |
| TOTAL INDIRECT EXPENSES: | | 625,154 | 574,952 | (50,202) | -8% | 606,451 | 552,512 |

| | | | | | | |
|----------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | 625,154 | 574,952 | (50,202) | -8% | 606,451 | 552,512 |
|----------------------------|----------------|----------------|-----------------|------------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|---------------|------------|------------------|------------------|
| NET INCOME (LOSS): | (625,154) | (574,952) | 50,202 | -8% | (606,451) | (552,512) |
|---------------------------|------------------|------------------|---------------|------------|------------------|------------------|

**Washington State Bar Association
Budget Comparison**

LAW CLERK PROGRAM
 Cost Center FY25 FTE 1.23
 CLERK REFORECAST FTE 1.23

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | | | |
|----------------------|----------------------------|----------------|----------------|----------|-----------|----------|----------|
| 42275 | LAW CLERK FEES | 204,000 | 204,000 | - | 0% | - | - |
| 42286 | LAW CLERK APPLICATION FEES | 3,200 | 3,200 | - | 0% | - | - |
| TOTAL REVENUE | | 207,200 | 207,200 | - | 0% | - | - |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|---------------|---------------|---------------|-------------|--------------|--------------|
| 50015 | DEPRECIATION | 4,675 | 12,000 | 7,325 | 157% | - | - |
| 50100 | STAFF TRAVEL/PARKING | 500 | - | (500) | -100% | - | 24 |
| 50130 | SUBSCRIPTIONS | 250 | 250 | - | 0% | 250 | - |
| 52245 | CHARACTER & FITNESS INVESTI | 100 | 100 | - | 0% | - | - |
| 53282 | SOFTWARE HOSTING | 1,210 | 681 | (529) | -44% | - | 961 |
| 52255 | LAW CLERK BOARD | 8,000 | 8,000 | - | 0% | 5,680 | 4,894 |
| 52258 | LAW CLERK OUTREACH | 5,000 | 30,000 | 25,000 | 500% | - | 73 |
| TOTAL DIRECT EXPENSES | | 19,735 | 51,031 | 31,296 | 159% | 5,930 | 5,952 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|---------------|-----------|----------------|----------------|
| 51199 | SALARY EXPENSE | 100,677 | 111,508 | 10,831 | 11% | 81,561 | 76,040 |
| 51299 | BENEFITS EXPENSE | 31,257 | 37,621 | 6,364 | 20% | 24,154 | 22,544 |
| 51900 | OTHER INDIRECT EXPENSE | 36,238 | 29,532 | (6,706) | -19% | 27,025 | 25,363 |
| TOTAL INDIRECT EXPENSES: | | 168,171 | 178,661 | 10,490 | 6% | 132,740 | 123,947 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|---------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 187,907 | 229,692 | 41,785 | 22% | 138,670 | 129,899 |
|----------------------------|--|----------------|----------------|---------------|------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|---------------|-----------------|-----------------|--------------|------------------|------------------|
| NET INCOME (LOSS): | | 19,293 | (22,492) | (41,785) | -217% | (138,670) | (129,899) |
|---------------------------|--|---------------|-----------------|-----------------|--------------|------------------|------------------|

**Washington State Bar Association
Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

LEGISLATIVE

Cost Center FY25 FTE 1.70
LEG REFORECAST FTE 1.70

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|---------------|---------------|------------|-----------|---------------|---------------|
| 50100 | STAFF TRAVEL/PARKING | 2,500 | 2,500 | - | 0% | 124 | 83 |
| 50110 | STAFF CONFERENCE & TRAINING | 2,500 | 2,200 | (300) | -12% | 1,842 | 1,736 |
| 50120 | STAFF MEMBERSHIP DUES | 450 | 200 | (250) | -56% | - | 130 |
| 50130 | SUBSCRIPTIONS | 2,000 | 2,000 | - | 0% | 1,985 | 1,985 |
| 50160 | TELEPHONE | 485 | 575 | 90 | 19% | 574 | 433 |
| 52660 | JUD RECOMMEND COMMITTEE | 2,250 | 2,250 | - | 0% | - | - |
| 54910 | RENT - OLYMPIA OFFICE | 1,500 | - | (1,500) | -100% | - | - |
| 54920 | CONTRACT LOBBYIST | 12,500 | 15,000 | 2,500 | 20% | 12,500 | 12,500 |
| 54940 | LEGISLATIVE COMMITTEE | 1,250 | 1,250 | - | 0% | - | 2 |
| 54970 | BOG LEGISLATIVE COMMITTEE | 300 | 300 | - | 0% | - | - |
| TOTAL DIRECT EXPENSES | | 25,735 | 26,275 | 540 | 2% | 17,024 | 16,868 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 152,783 | 160,438 | 7,654 | 5% | 144,081 | 114,838 |
| 51299 | BENEFITS EXPENSE | 52,771 | 53,043 | 272 | 1% | 41,553 | 38,451 |
| 51900 | OTHER INDIRECT EXPENSE | 50,085 | 40,817 | (9,268) | -19% | 47,000 | 35,211 |
| TOTAL INDIRECT EXPENSES: | | 255,640 | 254,298 | (1,342) | -1% | 232,634 | 188,500 |

| | | | | | | |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|
| TOTAL ALL EXPENSES: | 281,375 | 280,573 | (802) | 0% | 249,658 | 205,368 |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|------------|-----------|------------------|------------------|
| NET INCOME (LOSS): | (281,375) | (280,573) | 802 | 0% | (249,658) | (205,368) |
|---------------------------|------------------|------------------|------------|-----------|------------------|------------------|

**Washington State Bar Association
Budget Comparison**

LEGAL LUNCHBOX

Cost Center FY25 FTE 0.43
LLB REFORECAST FTE 0.43

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | | | |
|----------------------|----------------------------|---------------|---------------|--------------|------------|---------------|---------------|
| 41450 | SPONSORSHIPS | 9,000 | 9,000 | - | 0% | 9,000 | 9,000 |
| 43400 | DIGITAL VIDEO SALES | 20,000 | 25,000 | 5,000 | 25% | 25,088 | 24,402 |
| TOTAL REVENUE | | 29,000 | 34,000 | 5,000 | 17% | 34,088 | 33,402 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|----------------------------|--------------|--------------|----------------|-------------|--------------|--------------|
| 52240 | DISABILITY ACCOMMODATIONS | 2,000 | 2,000 | - | 0% | - | - |
| 53700 | SPEAKERS & PROGRAM DEVELOP | 100 | 100 | - | 0% | - | - |
| 53730 | HONORARIUM | 1,500 | 1,500 | - | 0% | - | - |
| 53283 | ON24 OVERAGE CHARGE | 4,500 | 4,500 | - | 0% | - | 6,067 |
| 53731 | INSURANCE REBATE | (425) | (3,375) | (2,950) | 694% | (322) | - |
| TOTAL DIRECT EXPENSES | | 7,675 | 4,725 | (2,950) | -38% | (322) | 6,067 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|---------------|---------------|-----------------|-------------|---------------|---------------|
| 51199 | SALARY EXPENSE | 28,998 | 31,087 | 2,089 | 7% | 27,490 | 21,530 |
| 51299 | BENEFITS EXPENSE | 10,648 | 11,797 | 1,149 | 11% | 8,946 | 7,498 |
| 51900 | OTHER INDIRECT EXPENSE | 12,669 | 10,324 | (2,344) | -19% | 11,750 | 8,653 |
| 51935 | INSURANCE REBATE | (4,060) | (19,016) | (14,956) | 368% | - | - |
| TOTAL INDIRECT EXPENSES: | | 48,255 | 34,192 | (14,062) | -29% | 48,187 | 37,681 |

| | | | | | | | |
|----------------------------|--|---------------|---------------|-----------------|-------------|---------------|---------------|
| TOTAL ALL EXPENSES: | | 55,930 | 38,917 | (17,012) | -30% | 47,865 | 43,748 |
|----------------------------|--|---------------|---------------|-----------------|-------------|---------------|---------------|

| | | | | | | | |
|---------------------------|--|-----------------|----------------|---------------|-------------|-----------------|-----------------|
| NET INCOME (LOSS): | | (26,930) | (4,917) | 22,012 | -82% | (13,777) | (10,346) |
|---------------------------|--|-----------------|----------------|---------------|-------------|-----------------|-----------------|

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

LICENSING & MEMBERSHIP RECORDS
 Cost Center FY25 FTE 4.83
 LICMR REFORECAST FTE 3.83

| | | | | | | | |
|---------------------------------|----------------------------|------------------|------------------|------------------|------------|------------------|------------------|
| REVENUE: | | | | | | | |
| 41100 | STATUS CERTIFICATE FEES | 27,000 | 27,000 | - | 0% | 27,775 | 22,100 |
| 42288 | INVESTIGATION FEES | 20,000 | 20,000 | - | 0% | 25,000 | 22,000 |
| 42290 | PRO HAC VICE | 400,000 | 400,000 | - | 0% | 375,560 | 368,705 |
| 45040 | MEMBER CONTACT INFORMATION | 3,700 | 3,000 | (700) | -19% | 3,586 | 5,706 |
| 45060 | PHOTO BAR CARD SALES | 200 | 200 | - | 0% | 240 | 216 |
| TOTAL REVENUE | | 450,900 | 450,200 | (700) | 0% | 432,161 | 418,727 |
| DIRECT EXPENSES: | | | | | | | |
| 50033 | CONSULTING SERVICES | - | - | - | | 4,000 | 6,000 |
| 50060 | POSTAGE | 17,652 | 17,652 | - | 0% | 18,061 | 14,599 |
| 50140 | SUPPLIES | - | - | - | | 1,929 | - |
| 53282 | SOFTWARE HOSTING | 15,125 | 18,380 | 3,255 | 22% | - | 12,016 |
| 55010 | LICENSING FORMS | - | - | - | | 2,401 | - |
| TOTAL DIRECT EXPENSES | | 32,777 | 36,032 | 3,255 | 10% | 26,391 | 32,615 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 401,688 | 515,705 | 114,016 | 28% | 389,572 | 308,460 |
| 51299 | BENEFITS EXPENSE | 137,867 | 158,553 | 20,686 | 15% | 122,485 | 101,580 |
| 51900 | OTHER INDIRECT EXPENSE | 112,839 | 115,968 | 3,130 | 3% | 106,143 | 79,075 |
| TOTAL INDIRECT EXPENSES: | | 652,394 | 790,226 | 137,832 | 21% | 618,199 | 489,114 |
| TOTAL ALL EXPENSES: | | 685,171 | 826,258 | 141,087 | 21% | 644,591 | 521,730 |
| NET INCOME (LOSS): | | (234,271) | (376,058) | (141,787) | 61% | (212,430) | (103,002) |

**Washington State Bar Association
Budget Comparison**

LICENSE FEES
Cost Center
LIC

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|--|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | |
| 40600 LICENSE FEES | 16,692,574 | 16,853,241 | 160,667 | 1% | 16,191,504 | 12,180,532 |
| 40625 LICENSE FEES - NEW ADMITTEES | 417,925 | 429,375 | 11,450 | 3% | 394,252 | 315,411 |
| 40650 LICENSE FEES - LATE FEES | 200,000 | 200,000 | - | 0% | 269,748 | 381,975 |
| 40675 LICENSE FEES - REINSTATEMENTS | 10,000 | 10,000 | - | 0% | 15,762 | 19,463 |
| TOTAL REVENUE | 17,320,499 | 17,492,616 | 172,117 | 1% | 16,871,265 | 12,897,381 |
| NET INCOME (LOSS): | 17,320,499 | 17,492,616 | 172,117 | 1% | 16,871,265 | 12,897,381 |

**Washington State Bar Association
Budget Comparison**

LIMITED LICENSE LEGAL TECHNICIAN PROGRAM
 Cost Center **FY25 FTE 0.66**
 LLLT **REFORECAST FTE 0.53**

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | |
| 41800 SEMINAR REGISTRATIONS | 2,000 | 7,000 | 5,000 | 250% | 6,175 | 1,045 |
| 42281 LLLT LICENSE FEES | 18,562 | 17,731 | (831) | -4% | 13,908 | 11,317 |
| 42288 INVESTIGATION FEES | - | - | - | | 100 | 100 |
| 42291 LLLT LATE LICENSE FEES | - | - | - | | 133 | 404 |
| 45220 MCLE LATE FEES | 150 | 300 | 150 | 100% | - | 450 |
| TOTAL REVENUE | 20,712 | 25,031 | 4,319 | 21% | 20,316 | 13,316 |
| DIRECT EXPENSES: | | | | | | |
| 52683 LLLT BOARD | 14,240 | 11,500 | (2,740) | -19% | 4,882 | 1,118 |
| 52689 LLLT EDUCATION | - | 1,000 | 1,000 | | 535 | - |
| TOTAL DIRECT EXPENSES | 14,240 | 12,500 | (1,740) | -12% | 5,418 | 1,118 |
| INDIRECT EXPENSES: | | | | | | |
| 51199 SALARY EXPENSE | 51,460 | 66,030 | 14,569 | 28% | 50,117 | 38,785 |
| 51299 BENEFITS EXPENSE | 14,055 | 21,211 | 7,156 | 51% | 16,231 | 10,228 |
| 51900 OTHER INDIRECT EXPENSE | 15,615 | 15,847 | 232 | 1% | 14,883 | 11,041 |
| TOTAL INDIRECT EXPENSES: | 81,130 | 103,088 | 21,957 | 27% | 81,232 | 60,054 |
| TOTAL ALL EXPENSES: | 95,370 | 115,588 | 20,217 | 21% | 86,650 | 61,172 |
| NET INCOME (LOSS): | (74,658) | (90,557) | (15,898) | 21% | (66,333) | (47,856) |

**Washington State Bar Association
Budget Comparison**

LIMITED PRACTICE OFFICERS

Cost Center **FY25 FTE** **0.70**
LPO **REFORECAST FTE** **0.78**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | | | |
|----------------------|-----------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 42288 | INVESTIGATION FEES | 200 | 300 | 100 | 50% | 1,000 | 1,100 |
| 45110 | LPO EXAMINATION FEES | 22,000 | 20,000 | (2,000) | -9% | 24,000 | 18,900 |
| 45115 | LPO EXAM LATE FEE | 3,300 | 3,000 | (300) | -9% | 4,100 | 2,300 |
| 45120 | LPO LICENSE FEES | 170,000 | 160,000 | (10,000) | -6% | 161,134 | 118,233 |
| 45125 | LPO LATE LICENSE FEES | 2,500 | 2,000 | (500) | -20% | 2,220 | 3,600 |
| 45220 | MCLE LATE FEES | 4,000 | 4,000 | - | 0% | 4,350 | 3,150 |
| TOTAL REVENUE | | 202,000 | 189,300 | (12,700) | -6% | 196,804 | 147,283 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|--------------------------------|---------------|---------------|---------------|------------|---------------|---------------|
| 50050 | EQUIPMENT, HARDWARE & SOFTWARE | 1,000 | - | (1,000) | -100% | - | 1,240 |
| 50070 | PRINTING & COPYING | 200 | 200 | - | 0% | 82 | 123 |
| 50140 | SUPPLIES | 100 | 200 | 100 | 100% | 244 | 113 |
| 52210 | FACILITY, PARKING, FOOD | 6,300 | 9,500 | 3,200 | 51% | 4,035 | 2,245 |
| 52688 | EXAM WRITING | 9,000 | 19,000 | 10,000 | 111% | 8,400 | 8,400 |
| 55130 | LPO BOARD EXPENSES | 4,000 | 4,000 | - | 0% | 2,301 | 278 |
| 55165 | LPO OUTREACH | 1,000 | 1,000 | - | 0% | - | - |
| 53282 | SOFTWARE HOSTING | 3,025 | 3,404 | 379 | 13% | - | 2,403 |
| TOTAL DIRECT EXPENSES | | 24,625 | 37,304 | 12,679 | 51% | 15,061 | 14,802 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|----------------|------------|---------------|---------------|
| 51199 | SALARY EXPENSE | 69,420 | 67,660 | (1,761) | -3% | 58,981 | 52,325 |
| 51299 | BENEFITS EXPENSE | 19,678 | 22,097 | 2,418 | 12% | 19,201 | 14,206 |
| 51900 | OTHER INDIRECT EXPENSE | 22,980 | 16,807 | (6,173) | -27% | 18,800 | 16,113 |
| TOTAL INDIRECT EXPENSES: | | 112,079 | 106,563 | (5,516) | -5% | 96,982 | 82,644 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|--------------|-----------|----------------|---------------|
| TOTAL ALL EXPENSES: | | 136,704 | 143,867 | 7,163 | 5% | 112,043 | 97,446 |
|----------------------------|--|----------------|----------------|--------------|-----------|----------------|---------------|

| | | | | | | | |
|---------------------------|--|---------------|---------------|-----------------|-------------|---------------|---------------|
| NET INCOME (LOSS): | | 65,296 | 45,433 | (19,863) | -30% | 84,761 | 49,836 |
|---------------------------|--|---------------|---------------|-----------------|-------------|---------------|---------------|

Washington State Bar Association
Budget Comparison

MANDATORY CONTINUING LEGAL EDUCATION

Cost Center **FY25 FTE 4.78**
MCLE **REFORECAST FTE 5.88**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | | | |
|----------------------|--------------------------------|------------------|------------------|----------------|------------|------------------|------------------|
| 45210 | ACTIVITY APPLICATION FEE | 550,000 | 600,000 | 50,000 | 9% | 671,300 | 548,800 |
| 45215 | ACTIVITY APPLICATION LATE FEE | 220,000 | 220,000 | - | 0% | 252,000 | 209,550 |
| 45220 | MCLE LATE FEES | 190,000 | 225,000 | 35,000 | 18% | 231,800 | 266,025 |
| 45230 | ANNUAL ACCREDITED SPONSOR FEES | 36,000 | 39,000 | 3,000 | 8% | 39,000 | 36,750 |
| 45250 | ATTENDANCE LATE FEES | 90,000 | 120,000 | 30,000 | 33% | 126,650 | 94,100 |
| 45255 | COMITY CERTIFICATES - REQUEST | 13,800 | 13,800 | - | 0% | 12,900 | 12,772 |
| 45260 | COMITY CERTIFICATES - SUBMIT | 14,000 | 16,000 | 2,000 | 14% | 17,450 | 15,775 |
| TOTAL REVENUE | | 1,113,800 | 1,233,800 | 120,000 | 11% | 1,351,100 | 1,183,772 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|----------------|----------------|---------------|-----------|--------------|---------------|
| 50100 | STAFF TRAVEL/PARKING | 50 | 50 | - | 0% | - | - |
| 50110 | STAFF CONFERENCE & TRAINING | 4,000 | 4,600 | 600 | 15% | 250 | 100 |
| 50120 | STAFF MEMBERSHIP DUES | 500 | 500 | - | 0% | 500 | 500 |
| 55210 | MCLE BOARD EXPENSES | 5,000 | 4,000 | (1,000) | -20% | - | - |
| 55220 | DEPRECIATION-SOFTWARE | 130,449 | 142,183 | 11,734 | 9% | 6,443 | 91,256 |
| TOTAL DIRECT EXPENSES | | 139,999 | 151,333 | 11,334 | 8% | 7,193 | 91,856 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|------------------|-------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 454,500 | 402,008 | (52,492) | -12% | 463,367 | 359,599 |
| 51299 | BENEFITS EXPENSE | 155,895 | 136,972 | (18,923) | -12% | 123,411 | 108,494 |
| 51900 | OTHER INDIRECT EXPENSE | 173,235 | 114,768 | (58,468) | -34% | 135,518 | 121,447 |
| TOTAL INDIRECT EXPENSES: | | 783,630 | 653,747 | (129,883) | -17% | 722,296 | 589,541 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|------------------|-------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 923,629 | 805,080 | (118,549) | -13% | 729,490 | 681,397 |
|----------------------------|--|----------------|----------------|------------------|-------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|----------------|----------------|----------------|-------------|----------------|----------------|
| NET INCOME (LOSS): | | 190,171 | 428,720 | 238,549 | 125% | 621,610 | 502,376 |
|---------------------------|--|----------------|----------------|----------------|-------------|----------------|----------------|

**Washington State Bar Association
Budget Comparison**

MEMBER WELLNESS PROGRAM

Cost Center **FY25 FTE 1.48**
MWP **REFORECAST FTE 1.48**

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|--|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | |
| 40205 DIVERSION | 7,500 | 10,000 | 2,500 | 33% | 7,750 | 10,500 |
| TOTAL REVENUE | 7,500 | 10,000 | 2,500 | 33% | 7,750 | 10,500 |
| DIRECT EXPENSES: | | | | | | |
| 50100 STAFF TRAVEL/PARKING | 400 | 1,000 | 600 | 150% | - | - |
| 50110 STAFF CONFERENCE & TRAINING | 312 | 4,400 | 4,088 | 1310% | 401 | 527 |
| 50120 STAFF MEMBERSHIP DUES | 700 | 800 | 100 | 14% | 226 | 267 |
| 50130 SUBSCRIPTIONS | 1,200 | 1,455 | 255 | 21% | 1,385 | 993 |
| 54715 MEMBER WELLNESS COUNCIL | 1,000 | 4,250 | 3,250 | 325% | - | - |
| TOTAL DIRECT EXPENSES | 3,612 | 11,905 | 8,293 | 230% | 2,012 | 1,786 |
| INDIRECT EXPENSES: | | | | | | |
| 51199 SALARY EXPENSE | 133,585 | 144,902 | 11,316 | 8% | 117,922 | 103,311 |
| 51299 BENEFITS EXPENSE | 59,693 | 47,310 | (12,383) | -21% | 53,861 | 44,032 |
| 51900 OTHER INDIRECT EXPENSE | 43,603 | 35,535 | (8,069) | -19% | 41,125 | 30,735 |
| TOTAL INDIRECT EXPENSES: | 236,881 | 227,746 | (9,135) | -4% | 212,909 | 178,078 |
| TOTAL ALL EXPENSES: | 240,493 | 239,651 | (842) | 0% | 214,921 | 179,864 |
| NET INCOME (LOSS): | (232,993) | (229,651) | 3,342 | -1% | (207,171) | (169,364) |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

MEMBER SERVICES & ENGAGEMENT

Cost Center FY25 FTE 2.45
MSE REFORECAST FTE 2.45

| REVENUE: | | | | | | | | |
|---------------------------------|---|------------------|------------------|-----------------|------------|------------------|------------------|--|
| 40900 | ROYALTIES | 10,800 | 10,800 | - | 0% | 14,400 | 10,367 | |
| 41450 | SPONSORSHIPS | - | 2,500 | 2,500 | | - | 2,566 | |
| 41800 | SEMINAR REGISTRATIONS | - | 3,000 | 3,000 | | - | 1,980 | |
| TOTAL REVENUE | | 10,800 | 16,300 | 5,500 | 51% | 14,400 | 14,913 | |
| DIRECT EXPENSES: | | | | | | | | |
| 50070 | PRINTING & COPYING | 1,300 | 1,600 | 300 | 23% | 2,740 | - | |
| 50085 | YLL SECTION PROGRAM | 1,500 | 1,300 | (200) | -13% | 705 | - | |
| 50095 | CLE COMPS | 1,000 | 1,000 | - | 0% | - | - | |
| 50100 | STAFF TRAVEL/PARKING | 2,500 | 3,500 | 1,000 | 40% | 1,377 | 20 | |
| 50110 | STAFF CONFERENCE & TRAINING | 250 | 2,200 | 1,950 | 780% | 164 | 339 | |
| 50120 | STAFF MEMBERSHIP DUES | 845 | 450 | (395) | -47% | 300 | 150 | |
| 54610 | LIBRARY MATERIALS/RESOURCES | 4,000 | 4,000 | - | 0% | 1,158 | 133 | |
| 55266 | NEW LAWYER OUTREACH EVENTS | 1,500 | 5,000 | 3,500 | 233% | 250 | 509 | |
| 55270 | NEW LAWYERS COMMITTEE | 13,500 | 15,000 | 1,500 | 11% | 5,094 | 2,286 | |
| 55555 | LAW STUDENT OUTREACH | - | 500 | 500 | | - | - | |
| 55555 | LAW LIBRARY DESKBOOK ACCESS | - | 10,000 | 10,000 | | - | - | |
| 55970 | MEMBER ENGAGEMENT COUNCIL | 1,000 | 500 | (500) | -50% | - | - | |
| 55981 | SMALL TOWN AND RURAL COMMITTEE OUTREACH AND ACTIVITIES | 55,000 | 65,000 | 10,000 | 18% | - | 26,215 | |
| 55980 | SMALL TOWN AND RURAL COMMITTEE | 5,000 | 7,500 | 2,500 | 50% | 2,659 | - | |
| 58450 | RECEPTION/FORUM EXPENSE | 1,000 | 1,000 | - | 0% | 108 | 149 | |
| 58500 | NEW LAWYER OUTREACH | 1,000 | 1,000 | - | 0% | - | - | |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | - | (5,000) | -100% | 1,385 | - | |
| TOTAL DIRECT EXPENSES | | 94,395 | 119,550 | 25,155 | 27% | 15,940 | 29,801 | |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | SALARY EXPENSE | 167,808 | 167,441 | (367) | 0% | 163,817 | 122,235 | |
| 51299 | BENEFITS EXPENSE | 57,800 | 65,553 | 7,753 | 13% | 58,383 | 37,290 | |
| 51900 | OTHER INDIRECT EXPENSE | 72,181 | 58,824 | (13,357) | -19% | 69,717 | 50,727 | |
| TOTAL INDIRECT EXPENSES: | | 297,790 | 291,819 | (5,971) | -2% | 291,918 | 210,253 | |
| TOTAL ALL EXPENSES: | | 392,185 | 411,369 | 19,184 | 5% | 307,858 | 240,054 | |
| NET INCOME (LOSS): | | (381,385) | (395,069) | (13,684) | 4% | (293,458) | (225,141) | |

Washington State Bar Association
Budget Comparison

MINI CLE
Cost Center
MINI

FY25 FTE 0.92
REFORECAST FTE 0.92

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|-------------------------------------|----------------------|------------------|-----------------------------|-----------|--------------------------|--------------------------|
| REVENUE: | | | | | | |
| TOTAL REVENUE | - | - | - | | - | - |
| DIRECT EXPENSES: | | | | | | |
| TOTAL DIRECT EXPENSES | - | - | - | | - | - |
| INDIRECT EXPENSES: | | | | | | |
| 51199 SALARY EXPENSE | 66,852 | 71,340 | 4,488 | 7% | 64,552 | 50,351 |
| 51299 BENEFITS EXPENSE | 22,372 | 26,074 | 3,701 | 17% | 20,130 | 16,160 |
| 51900 OTHER INDIRECT EXPENSE | 27,105 | 22,089 | (5,016) | -19% | 25,459 | 19,097 |
| TOTAL INDIRECT EXPENSES: | 116,330 | 119,503 | 3,174 | 3% | 110,140 | 85,609 |
| NET INCOME (LOSS): | (116,330) | (119,503) | (3,174) | 3% | (110,140) | (85,609) |

**Washington State Bar Association
Budget Comparison**

NEW MEMBER EDUCATION

Cost Center **FY25 FTE 0.84**
NME **REFORECAST FTE 0.84**

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | |
| 40950 NMP PRODUCT SALES | 40,000 | 60,000 | 20,000 | 50% | 35,823 | 97,419 |
| 41800 SEMINAR REGISTRATIONS | 15,000 | 13,000 | (2,000) | -13% | 62,221 | 16,455 |
| 47100 TRIAL ADVOCACY PROGRAM | 12,000 | 15,000 | 3,000 | 25% | 15,779 | 12,098 |
| TOTAL REVENUE | 67,000 | 88,000 | 21,000 | 31% | 113,823 | 125,972 |
| DIRECT EXPENSES: | | | | | | |
| 55265 SPEAKERS & PROGRAM DEVELOPMENT | 250 | 250 | - | 0% | - | - |
| 57320 TRIAL ADVOCACY EXPENSES | 1,500 | 1,700 | 200 | 13% | 1,406 | 1,254 |
| TOTAL DIRECT EXPENSES | 1,750 | 1,950 | 200 | 11% | 1,406 | 1,254 |
| INDIRECT EXPENSES: | | | | | | |
| 51199 SALARY EXPENSE | 59,225 | 63,225 | 4,001 | 7% | 53,450 | 43,764 |
| 51299 BENEFITS EXPENSE | 22,105 | 23,475 | 1,370 | 6% | 16,284 | 15,446 |
| 51900 OTHER INDIRECT EXPENSE | 24,748 | 20,168 | (4,580) | -19% | 21,542 | 17,307 |
| TOTAL INDIRECT EXPENSES: | 106,078 | 106,868 | 791 | 1% | 91,277 | 76,517 |
| TOTAL ALL EXPENSES: | 107,828 | 108,818 | 991 | 1% | 92,683 | 77,771 |
| NET INCOME (LOSS): | (40,828) | (20,818) | 20,009 | -49% | 21,141 | 48,201 |

**Washington State Bar Association
Budget Comparison**

OFFICE OF GENERAL COUNSEL

Cost Center **FY25 FTE 5.92**
OGC **REFORECAST FTE 6.07**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

| REVENUE: | | | | | | | |
|---------------------------|---------------------------------|-----------------------------|--------------------|--------------------|-----------------|------------|------------------|
| | 40210 | RECORDS REQUEST FEES | - | - | - | 9 | - |
| | TOTAL REVENUE | | - | - | - | 9 | - |
| DIRECT EXPENSES: | | | | | | | |
| | 50100 | STAFF TRAVEL/PARKING | - | 3,500 | 3,500 | 28 | - |
| | 50110 | STAFF CONFERENCE & TRAINING | 6,656 | 6,215 | (441) | -7% | 4,204 |
| | 50120 | STAFF MEMBERSHIP DUES | 2,868 | 2,090 | (778) | -27% | 950 |
| | 50135 | TRANSCRIPTION SERVICES | 2,100 | - | (2,100) | -100% | - |
| | 52240 | DISABILITY ACCOMMODATIONS | 6,000 | 6,000 | - | 0% | 488 |
| | 54310 | COURT REPORTERS | - | - | - | - | 179 |
| | 54360 | LITIGATION EXPENSES | 200 | 200 | - | 0% | - |
| | 55419 | COURT RULES COMMITTEE | 1,000 | 1,000 | - | 0% | - |
| | 55615 | WILLS | 2,000 | 2,000 | - | 0% | - |
| | 55620 | CUSTODIANSHIP | 5,000 | 5,000 | - | 0% | 259 |
| | TOTAL DIRECT EXPENSES | | 25,824 | 26,005 | 181 | 1% | 6,108 |
| INDIRECT EXPENSES: | | | | | | | |
| | 51199 | SALARY EXPENSE | 682,914 | 658,437 | (24,477) | -4% | 559,905 |
| | 51299 | BENEFITS EXPENSE | 221,400 | 201,864 | (19,536) | -9% | 187,146 |
| | 51900 | OTHER INDIRECT EXPENSE | 178,833 | 142,139 | (36,694) | -21% | 172,335 |
| | TOTAL INDIRECT EXPENSES: | | 1,083,147 | 1,002,439 | (80,707) | -7% | 919,386 |
| | TOTAL ALL EXPENSES: | | 1,108,971 | 1,028,444 | (80,526) | -7% | 925,494 |
| | NET INCOME (LOSS): | | (1,108,971) | (1,028,444) | 80,526 | -7% | (925,485) |

**Washington State Bar Association
Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

OFFICE OF THE EXECUTIVE DIRECTOR
 Cost Center FY25 FTE 3.90
 OED REFORECAST FTE 2.90

| REVENUE: | | | | | | | |
|---------------------------------|---------------------------------|------------------|------------------|------------------|------------|------------------|------------------|
| TOTAL REVENUE | | | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 50100 | STAFF TRAVEL/PARKING | 4,450 | 2,000 | (2,450) | -55% | 2,016 | 1,889 |
| 50110 | STAFF CONFERENCE & TRAINING | 9,282 | 8,800 | (482) | -5% | 11,475 | 6,734 |
| 50120 | STAFF MEMBERSHIP DUES | 1,890 | 2,175 | 285 | 15% | 1,575 | 840 |
| 50145 | SURVEYS | - | - | - | | 681 | - |
| 52125 | LEADERSHIP TRAINING | 15,000 | 20,000 | 5,000 | 33% | 6,328 | 15,947 |
| 52585 | WASHINGTON LEADERSHIP INSTITUTE | 80,000 | 100,000 | 20,000 | 25% | 79,486 | 80,000 |
| 52590 | BAR LEADERS CONFERENCE | - | - | - | | 8,497 | - |
| 52840 | ED TRAVEL & OUTREACH | 4,000 | 6,000 | 2,000 | 50% | 1,640 | 4,595 |
| TOTAL DIRECT EXPENSES | | 114,622 | 138,975 | 24,353 | 21% | 111,697 | 110,005 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 491,121 | 602,222 | 111,100 | 23% | 394,729 | 369,956 |
| 51299 | BENEFITS EXPENSE | 126,289 | 153,250 | 26,961 | 21% | 102,512 | 99,384 |
| 51900 | OTHER INDIRECT EXPENSE | 85,439 | 93,639 | 8,200 | 10% | 55,617 | 59,977 |
| TOTAL INDIRECT EXPENSES: | | 702,850 | 849,110 | 146,261 | 21% | 552,858 | 529,317 |
| TOTAL ALL EXPENSES: | | 817,472 | 988,085 | 170,614 | 21% | 664,556 | 639,322 |
| NET INCOME (LOSS): | | (817,472) | (988,085) | (170,614) | 21% | (664,556) | (639,322) |

**Washington State Bar Association
Budget Comparison**

OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD

Cost Center **FY25 FTE 1.30**
OGCDB **REFORECAST FTE 1.40**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

| REVENUE: | | | | | | | |
|---------------------------------|------------------------------|------------------|------------------|-----------------|------------|------------------|------------------|
| TOTAL REVENUE | | | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 50110 | STAFF CONFERENCE & TRAINING | - | 2,000 | 2,000 | | - | - |
| 50120 | STAFF MEMBERSHIP DUES | 100 | 100 | - | 0% | 100 | - |
| 54310 | COURT REPORTERS | 500 | 25,000 | 24,500 | 4900% | 32 | 37,161 |
| 55310 | DISCIPLINARY BOARD EXPENSES | 4,000 | 5,000 | 1,000 | 25% | - | 797 |
| 55320 | CHIEF HEARING OFFICER | 40,000 | 40,000 | - | 0% | 30,000 | 29,997 |
| 55330 | HEARING OFFICER EXPENSES | 4,000 | 4,000 | - | 0% | 891 | 163 |
| 55340 | HEARING OFFICER TRAINING | 400 | 1,000 | 600 | 150% | - | - |
| 55370 | APPOINTED COUNSEL | 48,000 | 50,400 | 2,400 | 5% | 48,000 | 37,000 |
| 55380 | DISCIPLINARY SELECTION PANEL | 1,000 | 1,000 | - | 0% | - | - |
| TOTAL DIRECT EXPENSES | | 98,000 | 128,500 | 30,500 | 31% | 79,023 | 105,117 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 129,192 | 125,704 | (3,487) | -3% | 135,115 | 101,672 |
| 51299 | BENEFITS EXPENSE | 34,681 | 41,128 | 6,446 | 19% | 38,779 | 28,224 |
| 51900 | OTHER INDIRECT EXPENSE | 41,247 | 31,213 | (10,034) | -24% | 38,775 | 28,944 |
| TOTAL INDIRECT EXPENSES: | | 205,120 | 198,045 | (7,075) | -3% | 212,669 | 158,841 |
| TOTAL ALL EXPENSES: | | 303,120 | 326,545 | 23,425 | 8% | 291,692 | 263,958 |
| NET INCOME (LOSS): | | (303,120) | (326,545) | (23,425) | 8% | (291,692) | (263,958) |

**Washington State Bar Association
Budget Comparison**

PRACTICE OF LAW BOARD

Cost Center FY25 FTE 0.55
 PLB REFORECAST FTE 0.55

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

| REVENUE: | | | | | | | |
|---------------------------------|------------------------|-----------------|-----------------|----------------|------------|-----------------|-----------------|
| TOTAL REVENUE | | | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 50130 | SUBSCRIPTIONS | - | - | - | 0% | 10 | - |
| 55510 | PRACTICE OF LAW BOARD | 12,000 | 16,000 | 4,000 | 33% | 2,426 | 1,157 |
| TOTAL DIRECT EXPENSES | | 12,000 | 16,000 | 4,000 | 33% | 2,436 | 1,157 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 47,419 | 47,386 | (33) | 0% | 35,733 | 37,767 |
| 51299 | BENEFITS EXPENSE | 21,236 | 16,398 | (4,839) | -23% | 12,331 | 14,217 |
| 51900 | OTHER INDIRECT EXPENSE | 16,204 | 13,205 | (2,999) | -19% | 12,925 | 11,339 |
| TOTAL INDIRECT EXPENSES: | | 84,860 | 76,989 | (7,870) | -9% | 60,990 | 63,323 |
| TOTAL ALL EXPENSES: | | 96,860 | 92,989 | (3,870) | -4% | 63,426 | 64,480 |
| NET INCOME (LOSS): | | (96,860) | (92,989) | 3,870 | -4% | (63,426) | (64,480) |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

PRACTICE MANAGEMENT ASSISTANCE
Cost Center **FY25 FTE 0.95**
PMA **REFORECAST FTE 0.95**

| REVENUE: | | | | | | | | |
|---------------------------------|-----------------------------|------------------|------------------|-----------------|------------|------------------|------------------|--|
| 40900 | ROYALTIES | 62,000 | 62,000 | - | 0% | 69,465 | 51,234 | |
| TOTAL REVENUE | | 62,000 | 62,000 | - | 0% | 69,465 | 51,234 | |
| DIRECT EXPENSES: | | | | | | | | |
| 50100 | STAFF TRAVEL/PARKING | 350 | 1,000 | 650 | 186% | - | 257 | |
| 50110 | STAFF CONFERENCE & TRAINING | 260 | 2,500 | 2,240 | 862% | 500 | - | |
| 50120 | STAFF MEMBERSHIP DUES | 150 | 150 | - | 0% | 150 | - | |
| 55250 | CASEMAKER/FASTCASE | 75,000 | 85,000 | 10,000 | 13% | 80,723 | 84,042 | |
| 55555 | LEGAL TECH TASK FORCE | - | 5,000 | 5,000 | - | - | - | |
| TOTAL DIRECT EXPENSES | | 75,760 | 93,650 | 17,890 | 24% | 81,373 | 84,300 | |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | SALARY EXPENSE | 83,329 | 89,534 | 6,205 | 7% | 79,636 | 62,818 | |
| 51299 | BENEFITS EXPENSE | 25,645 | 29,659 | 4,014 | 16% | 22,462 | 18,606 | |
| 51900 | OTHER INDIRECT EXPENSE | 27,989 | 22,809 | (5,179) | -19% | 26,242 | 19,694 | |
| TOTAL INDIRECT EXPENSES: | | 136,963 | 142,003 | 5,039 | 4% | 128,339 | 101,119 | |
| TOTAL ALL EXPENSES: | | 212,723 | 235,653 | 22,929 | 11% | 209,712 | 185,418 | |
| NET INCOME (LOSS): | | (150,723) | (173,653) | (22,929) | 15% | (140,247) | (134,184) | |

PROFESSIONAL RESPONSIBILITY PROGRAM

Cost Center FY25 FTE 1.08
 PRP REFORECAST FTE 1.10

| Washington State Bar Association Budget Comparison | | | | | |
|---|------------------|-----------------------------|----------|--------------------------|--------------------------|
| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |

| REVENUE: | | | | | | | |
|---------------------------------|-----------------------------|------------------|------------------|-----------------|-------------|------------------|------------------|
| TOTAL REVENUE | | | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 50100 | STAFF TRAVEL/PARKING | 1,500 | 3,000 | 1,500 | 100% | 1,075 | 1,711 |
| 50110 | STAFF CONFERENCE & TRAINING | - | 2,200 | 2,200 | | - | - |
| 50120 | STAFF MEMBERSHIP DUES | 500 | 500 | - | 0% | 500 | 250 |
| 55610 | CPE COMMITTEE | 1,000 | 1,000 | - | 0% | 890 | 386 |
| TOTAL DIRECT EXPENSES | | 3,000 | 6,700 | 3,700 | 123% | 2,465 | 2,346 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 138,408 | 141,621 | 3,213 | 2% | 135,819 | 104,970 |
| 51299 | BENEFITS EXPENSE | 63,587 | 40,867 | (22,720) | -36% | 56,405 | 46,708 |
| 51900 | OTHER INDIRECT EXPENSE | 32,408 | 25,931 | (6,477) | -20% | 30,550 | 22,678 |
| TOTAL INDIRECT EXPENSES: | | 234,403 | 208,419 | (25,984) | -11% | 222,775 | 174,356 |
| TOTAL ALL EXPENSES: | | 237,403 | 215,119 | (22,284) | -9% | 225,240 | 176,702 |
| NET INCOME (LOSS): | | (237,403) | (215,119) | 22,284 | -9% | (225,240) | (176,702) |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

PUBLIC SERVICE PROGRAMS

Cost Center FY25 FTE 1.62
PSP REFORECAST FTE 1.62

| REVENUE: | | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---------------------------------|--------------------------------|----------------------|------------------|-----------------------------|-----------|--------------------------|--------------------------|
| 40300 | DONATIONS & GRANTS | 130,000 | 132,400 | 2,400 | 2% | 130,000 | 130,000 |
| TOTAL REVENUE | | 130,000 | 132,400 | 2,400 | 2% | 130,000 | 130,000 |
| DIRECT EXPENSES: | | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
| 50037 | DONATIONS/SPONSORSHIPS/GRANTS | 292,309 | 300,000 | 7,691 | 3% | 259,328 | 170,355 |
| 50100 | STAFF TRAVEL/PARKING | 500 | 2,000 | 1,500 | 300% | 163 | 213 |
| 50110 | STAFF CONFERENCE & TRAINING | - | 2,200 | 2,200 | | 30 | - |
| 50145 | SURVEYS | 100 | - | (100) | -100% | 100 | - |
| 52110 | PRO BONO & LEGAL AID COMMITTEE | 2,500 | 2,500 | - | 0% | 1,339 | 782 |
| 54130 | PRO BONO CERTIFICATES | 2,000 | 4,000 | 2,000 | 100% | 905 | 75 |
| TOTAL DIRECT EXPENSES | | 297,409 | 310,700 | 13,291 | 4% | 261,866 | 171,425 |
| INDIRECT EXPENSES: | | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
| 51199 | SALARY EXPENSE | 128,379 | 136,915 | 8,536 | 7% | 109,027 | 87,594 |
| 51299 | BENEFITS EXPENSE | 43,223 | 47,862 | 4,640 | 11% | 39,268 | 28,132 |
| 51900 | OTHER INDIRECT EXPENSE | 47,728 | 38,896 | (8,832) | -19% | 45,042 | 33,420 |
| TOTAL INDIRECT EXPENSES: | | 219,330 | 223,674 | 4,344 | 2% | 193,337 | 149,146 |
| TOTAL ALL EXPENSES: | | 516,739 | 534,374 | 17,635 | 3% | 455,203 | 320,572 |
| NET INCOME (LOSS): | | (386,739) | (401,974) | (15,235) | 4% | (325,203) | (190,572) |

PUBLICATION & DESIGN SERVICES
 Cost Center **FY25 FTE 0.89**
 PUB **REFORECAST FTE 0.89**

Washington State Bar Association
 Budget Comparison

| | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|--|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|--|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

| | | | | | | |
|---------------------------|-----------------------------------|------------------|------------------|----------------|------------|-----------------------------|
| REVENUE: | TOTAL REVENUE | - | - | - | - | - |
| DIRECT EXPENSES: | | | | | | |
| | 50130 SUBSCRIPTIONS | 200 | 200 | - | 0% | 532 88 |
| | 54026 IMAGE LIBRARY | 4,100 | 4,800 | 700 | 17% | 4,100 4,752 |
| | TOTAL DIRECT EXPENSES | 4,300 | 5,000 | 700 | 16% | 4,632 4,840 |
| INDIRECT EXPENSES: | | | | | | |
| | 51199 SALARY EXPENSE | 72,960 | 76,345 | 3,385 | 5% | 72,137 55,321 |
| | 51299 BENEFITS EXPENSE | 23,139 | 26,506 | 3,367 | 15% | 18,259 16,819 |
| | 51900 OTHER INDIRECT EXPENSE | 26,221 | 21,369 | (4,852) | -19% | 24,675 18,501 |
| | TOTAL INDIRECT EXPENSES: | 122,320 | 124,220 | 1,899 | 2% | 115,072 90,640 |
| | TOTAL ALL EXPENSES: | 126,620 | 129,220 | 2,599 | 2% | 119,704 95,480 |
| | NET INCOME (LOSS): | (126,620) | (129,220) | (2,599) | 2% | (119,704) (95,480) |

**Washington State Bar Association
Budget Comparison**

REGULATORY SERVICES FTE

Cost Center **FY25 FTE** **2.25**
RSD FTE **REFORECAST FTE** **2.60**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | | |
|----------------------|---|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - | - |
|----------------------|---|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|---------------|--------------|-----------------|-------------|--------------|--------------|
| 50100 | STAFF TRAVEL/PARKING | 650 | 600 | (50) | -8% | 210 | 258 |
| 50110 | STAFF CONFERENCE & TRAINING | 19,500 | 8,400 | (11,100) | -57% | 4,946 | 5,913 |
| 50120 | STAFF MEMBERSHIP DUES | 350 | 490 | 140 | 40% | - | 350 |
| TOTAL DIRECT EXPENSES | | 20,500 | 9,490 | (11,010) | -54% | 5,156 | 6,521 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|-----------------|-------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 357,120 | 300,943 | (56,177) | -16% | 344,317 | 266,873 |
| 51299 | BENEFITS EXPENSE | 105,529 | 84,916 | (20,613) | -20% | 102,423 | 76,808 |
| 51900 | OTHER INDIRECT EXPENSE | 76,601 | 54,022 | (22,578) | -29% | 74,809 | 53,711 |
| TOTAL INDIRECT EXPENSES: | | 539,250 | 439,881 | (99,369) | -18% | 521,548 | 397,392 |

| | | | | | | |
|----------------------------|----------------|----------------|------------------|-------------|----------------|----------------|
| TOTAL ALL EXPENSES: | 559,750 | 449,371 | (110,379) | -20% | 526,704 | 403,913 |
|----------------------------|----------------|----------------|------------------|-------------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|----------------|-------------|------------------|------------------|
| NET INCOME (LOSS): | (559,750) | (449,371) | 110,379 | -20% | (526,704) | (403,913) |
|---------------------------|------------------|------------------|----------------|-------------|------------------|------------------|

**Washington State Bar Association
Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REGULATORY REFORM

Cost Center **FY25 FTE 0.75**
RR **REFORECAST FTE 0.00**

| | | | | | | | |
|---------------------------|-------------------------------------|---|------------------|------------------|---|---|---|
| REVENUE: | TOTAL REVENUE | - | - | - | - | - | - |
| DIRECT EXPENSES: | 50033 CONSULTING SERVICES | - | 42,500 | 42,500 | - | - | - |
| | TOTAL DIRECT EXPENSES | - | 42,500 | 42,500 | - | - | - |
| INDIRECT EXPENSES: | 51199 SALARY EXPENSE | - | 109,615 | 109,615 | - | - | - |
| | 51299 BENEFITS EXPENSE | - | 29,839 | 29,839 | - | - | - |
| | 51900 OTHER INDIRECT EXPENSE | - | 18,007 | 18,007 | - | - | - |
| | TOTAL INDIRECT EXPENSES: | - | 157,462 | 157,462 | - | - | - |
| | TOTAL ALL EXPENSES: | - | 199,962 | 199,962 | - | - | - |
| | NET INCOME (LOSS): | - | (199,962) | (199,962) | - | - | - |

**Washington State Bar Association
Budget Comparison**

SECTIONS ADMINISTRATION

Cost Center **FY25 FTE 2.53**
SECT **REFORECAST FTE 2.58**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | | | |
|----------------------|------------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 48010 | REIMBURSEMENTS FROM SECTIONS | 297,786 | 275,000 | (22,786) | -8% | 268,147 | 364,230 |
| TOTAL REVENUE | | 297,786 | 275,000 | (22,786) | -8% | 268,147 | 364,230 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|------------------------------|--------------|--------------|--------------|-------------|------------|------------|
| 50100 | STAFF TRAVEL/PARKING | 1,000 | 1,500 | 500 | 50% | 14 | 59 |
| 50110 | STAFF CONFERENCE & TRAINING | 500 | - | (500) | -100% | 65 | - |
| 50120 | STAFF MEMBERSHIP DUES | 200 | 200 | - | 0% | 45 | - |
| 50130 | SUBSCRIPTIONS | 350 | - | (350) | -100% | 331 | - |
| 52540 | SECTION/COMMITTEE CHAIR MTGS | 1,000 | 700 | (300) | -30% | 456 | 80 |
| TOTAL DIRECT EXPENSES | | 3,050 | 2,400 | (650) | -21% | 911 | 139 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 159,053 | 169,092 | 10,038 | 6% | 150,603 | 119,301 |
| 51299 | BENEFITS EXPENSE | 65,223 | 67,073 | 1,850 | 3% | 59,711 | 47,900 |
| 51900 | OTHER INDIRECT EXPENSE | 76,011 | 60,745 | (15,266) | -20% | 71,676 | 53,413 |
| TOTAL INDIRECT EXPENSES: | | 300,288 | 296,910 | (3,378) | -1% | 281,990 | 220,615 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|----------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 303,338 | 299,310 | (4,028) | -1% | 282,901 | 220,753 |
|----------------------------|--|----------------|----------------|----------------|------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|----------------|-----------------|-----------------|-------------|-----------------|----------------|
| NET INCOME (LOSS): | | (5,552) | (24,310) | (18,758) | 338% | (14,754) | 143,476 |
|---------------------------|--|----------------|-----------------|-----------------|-------------|-----------------|----------------|

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

SERVICE CENTER

Cost Center
SC FY25 FTE 5.78
REFORECAST FTE 5.78

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|--------------|--------------|----------------|-------------|--------------|--------------|
| 50100 | STAFF TRAVEL/PARKING | 2,376 | 2,376 | - | 0% | 2,376 | 1,782 |
| 50110 | STAFF CONFERENCE & TRAINING | 2,184 | 677 | (1,507) | -69% | 1,546 | - |
| 54400 | TRANSLATION SERVICES | - | - | - | | 4,649 | - |
| TOTAL DIRECT EXPENSES | | 4,560 | 3,053 | (1,507) | -33% | 8,571 | 1,782 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|--------------|-----------|----------------|----------------|
| 51199 | SALARY EXPENSE | 394,527 | 427,125 | 32,598 | 8% | 386,082 | 302,301 |
| 51299 | BENEFITS EXPENSE | 160,136 | 160,271 | 136 | 0% | 140,860 | 116,993 |
| 51900 | OTHER INDIRECT EXPENSE | 170,289 | 138,778 | (31,512) | -19% | 158,626 | 119,358 |
| TOTAL INDIRECT EXPENSES: | | 724,952 | 726,174 | 1,222 | 0% | 685,568 | 538,652 |

| | | | | | | |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|
| TOTAL ALL EXPENSES: | 729,512 | 729,227 | (285) | 0% | 694,139 | 540,434 |
|----------------------------|----------------|----------------|--------------|-----------|----------------|----------------|

| | | | | | | |
|---------------------------|------------------|------------------|------------|-----------|------------------|------------------|
| NET INCOME (LOSS): | (729,512) | (729,227) | 285 | 0% | (694,139) | (540,434) |
|---------------------------|------------------|------------------|------------|-----------|------------------|------------------|

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

TECHNOLOGY
Cost Center
TECH

FY25 FTE 12.00
REFORECAST FTE 13.00

| REVENUE: | | | | | | | |
|---------------------------------|-------------------------------|--------------------|--------------------|-----------------|------------|--------------------|--------------------|
| TOTAL REVENUE | | - | - | - | | - | - |
| DIRECT EXPENSES: | | | | | | | |
| 50033 | CONSULTING SERVICES | 165,000 | 115,000 | (50,000) | -30% | 98,906 | 44,592 |
| 50100 | STAFF TRAVEL/PARKING | 1,000 | 1,000 | - | 0% | 763 | 624 |
| 50110 | STAFF CONFERENCE & TRAINING | 6,000 | 6,000 | - | 0% | 184 | 823 |
| 50120 | STAFF MEMBERSHIP DUES | 200 | 300 | 100 | 50% | - | - |
| 50160 | TELEPHONE | 95,000 | 90,000 | (5,000) | -5% | 84,668 | 61,447 |
| 55911 | CLOUD INFRASTRUCTURE | 82,000 | 130,000 | 48,000 | 59% | - | 30,121 |
| 56100 | COMPUTER HARDWARE | 66,200 | 66,200 | - | 0% | 63,427 | 48,959 |
| 56150 | COMPUTER SOFTWARE | 330,000 | 530,000 | 200,000 | 61% | 370,068 | 258,134 |
| 56225 | HARDWARE SERVICE & WARRANTIES | 50,000 | 50,000 | - | 0% | 49,368 | 28,535 |
| 56230 | SOFTWARE MAINT & LICENSING | 380,000 | 380,000 | - | 0% | 349,017 | 321,098 |
| 56550 | THIRD PARTY SERVICES | 10,000 | 65,000 | 55,000 | 550% | 43,796 | 35,746 |
| 56900 | TRANSFER TO INDIRECT EXPENSES | (1,185,400) | (1,433,500) | (248,100) | 21% | (1,060,198) | (830,080) |
| TOTAL DIRECT EXPENSES | | - | - | - | | (0) | 0 |
| INDIRECT EXPENSES: | | | | | | | |
| 51199 | SALARY EXPENSE | 1,434,388 | 1,414,575 | (19,812) | -1% | 1,384,796 | 1,077,102 |
| 51299 | BENEFITS EXPENSE | 480,053 | 420,473 | (59,581) | -12% | 437,041 | 327,500 |
| 51955 | CAPITAL LABOR & OVERHEAD | (210,000) | (75,000) | 135,000 | -64% | (275,379) | (67,990) |
| 51900 | OTHER INDIRECT EXPENSE | 383,003 | 288,120 | (94,884) | -25% | 360,728 | 268,556 |
| TOTAL INDIRECT EXPENSES: | | 2,087,445 | 2,048,168 | (39,277) | -2% | 1,907,187 | 1,605,168 |
| TOTAL ALL EXPENSES: | | 2,087,445 | 2,048,168 | (39,277) | -2% | 1,907,187 | 1,605,168 |
| NET INCOME (LOSS): | | (2,087,445) | (2,048,168) | 39,277 | -2% | (1,907,187) | (1,605,168) |

Washington State Bar Association
Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

VOLUNTEER ENGAGEMENT
Cost Center **FY25 FTE 1.70**
VE **REFORECAST FTE 0.60**

REVENUE:

| | | | | | |
|----------------------|---|---|---|---|---|
| TOTAL REVENUE | - | - | - | - | - |
|----------------------|---|---|---|---|---|

DIRECT EXPENSES:

| | | | | | | |
|--------------|-----------------------------|--------|--------|--------|------|-------|
| 50060 | POSTAGE | - | 600 | 600 | - | 571 |
| 50110 | STAFF CONFERENCE & TRAINING | 2,600 | 5,200 | 2,600 | 100% | 1,749 |
| 50120 | STAFF MEMBERSHIP DUES | 450 | 450 | - | 0% | 300 |
| 50130 | SUBSCRIPTIONS | 750 | 816 | 66 | 9% | 815 |
| 52520 | ABA DELEGATES | 14,000 | 16,000 | 2,000 | 14% | 7,487 |
| 55555 | REGULATORY SCHOOL | - | 45,000 | 45,000 | - | - |

| | | | | | | |
|------------------------------|---------------|---------------|---------------|-------------|---------------|---------------|
| TOTAL DIRECT EXPENSES | 17,800 | 68,066 | 50,266 | 282% | 15,540 | 10,923 |
|------------------------------|---------------|---------------|---------------|-------------|---------------|---------------|

INDIRECT EXPENSES:

| | | | | | | |
|--------------|------------------------|--------|---------|--------|------|--------|
| 51199 | SALARY EXPENSE | 60,485 | 150,680 | 90,194 | 149% | 45,709 |
| 51299 | BENEFITS EXPENSE | 21,371 | 51,454 | 30,083 | 141% | 15,632 |
| 51900 | OTHER INDIRECT EXPENSE | 17,677 | 40,817 | 23,140 | 131% | 12,533 |

| | | | | | | |
|---------------------------------|---------------|----------------|----------------|-------------|---------------|---------------|
| TOTAL INDIRECT EXPENSES: | 99,534 | 242,951 | 143,417 | 144% | 96,875 | 73,874 |
|---------------------------------|---------------|----------------|----------------|-------------|---------------|---------------|

| | | | | | | |
|----------------------------|----------------|----------------|----------------|-------------|----------------|---------------|
| TOTAL ALL EXPENSES: | 117,334 | 311,017 | 193,683 | 165% | 112,415 | 84,797 |
|----------------------------|----------------|----------------|----------------|-------------|----------------|---------------|

| | | | | | | |
|---------------------------|------------------|------------------|------------------|-------------|------------------|-----------------|
| NET INCOME (LOSS): | (117,334) | (311,017) | (193,683) | 165% | (112,415) | (84,797) |
|---------------------------|------------------|------------------|------------------|-------------|------------------|-----------------|

ATTACHMENT B

Washington State Bar Association
Budget Comparison

CLE - PRODUCTS

Cost Center
CLEP

FY25 FTE 1.29
REFORECAST FTE 1.29

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|-----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | | | |
|----------------------|---------------------|----------------|----------------|---------------|-----------|----------------|----------------|
| 41000 | SHIPPING & HANDLING | 300 | 210 | (90) | -30% | 153 | 45 |
| 43200 | COURSEBOOK SALES | 10,000 | 3,500 | (6,500) | -65% | 1,115 | 360 |
| 43400 | DIGITAL VIDEO SALES | 900,000 | 925,000 | 25,000 | 3% | 926,308 | 821,405 |
| TOTAL REVENUE | | 910,300 | 928,710 | 18,410 | 2% | 927,576 | 821,810 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|---------------------------------|---------------|---------------|--------------|-----------|---------------|---------------|
| 50110 | STAFF CONFERENCE & TRAINING | 312 | - | (312) | -100% | - | - |
| 50120 | STAFF MEMBERSHIP DUES | - | 300 | 300 | | - | - |
| 52240 | DISABILITY ACCOMMODATIONS | 2,000 | 2,000 | - | 0% | 370 | 584 |
| 53220 | COST OF SALES - COURSEBOOKS | 1,100 | 300 | (800) | -73% | 106 | 24 |
| 53255 | CLE-EQUIP-DEPRECIATION | 2,040 | 2,012 | (28) | -1% | 3,351 | 1,530 |
| 53285 | ONLINE PRODUCT HOSTING EXPENSES | 53,000 | 54,000 | 1,000 | 2% | 53,338 | 36,979 |
| 53330 | POSTAGE & DELIVRY-COURSEBOOKS | 500 | 200 | (300) | -60% | 34 | 13 |
| TOTAL DIRECT EXPENSES | | 58,952 | 58,812 | (140) | 0% | 57,198 | 39,130 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|-----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 95,891 | 102,132 | 6,241 | 7% | 83,795 | 71,591 |
| 51299 | BENEFITS EXPENSE | 46,535 | 36,973 | (9,562) | -21% | 35,373 | 32,788 |
| 51900 | OTHER INDIRECT EXPENSE | 38,006 | 30,973 | (7,033) | -19% | 35,889 | 26,557 |
| TOTAL INDIRECT EXPENSES: | | 180,432 | 170,078 | (10,354) | -6% | 155,058 | 130,936 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|-----------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 239,384 | 228,890 | (10,494) | -4% | 212,256 | 170,066 |
|----------------------------|--|----------------|----------------|-----------------|------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|----------------|----------------|---------------|-----------|----------------|----------------|
| NET INCOME (LOSS): | | 670,916 | 699,820 | 28,904 | 4% | 715,320 | 651,744 |
|---------------------------|--|----------------|----------------|---------------|-----------|----------------|----------------|

Washington State Bar Association
Budget Comparison

CLE - SEMINARS
Cost Center
CLES

FY25 FTE 6.71
REFORECAST FTE 6.60

| | | | FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---------------------------|--------------|---------------------------------|----------------------|------------------|-----------------------------|-----------|--------------------------|--------------------------|
| REVENUE: | | | | | | | | |
| | 41800 | SEMINAR REGISTRATIONS | 825,000 | 825,000 | - | 0% | 725,568 | 460,094 |
| | 41825 | SEMINAR REVENUE-OTHER | 20,000 | 20,000 | - | 0% | 38,972 | 30,852 |
| | 41850 | SEMINAR SPLITS W/ CLE | (150,000) | (150,000) | - | 0% | (141,238) | - |
| | | TOTAL REVENUE | 695,000 | 695,000 | - | 0% | 623,302 | 490,946 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50050 | EQUIPMENT, HARDWARE & SOFTWARE | - | - | - | - | - | 184 |
| | 50100 | STAFF TRAVEL/PARKING | 15,000 | 15,000 | - | 0% | 9,080 | 2,957 |
| | 50110 | STAFF CONFERENCE & TRAINING | 2,465 | 5,900 | 3,435 | 139% | - | 0 |
| | 50120 | STAFF MEMBERSHIP DUES | 1,000 | 1,200 | 200 | 20% | 902 | 1,091 |
| | 50140 | SUPPLIES | 500 | 500 | - | 0% | - | - |
| | 52240 | DISABILITY ACCOMMODATIONS | 5,000 | 5,000 | - | 0% | 2,173 | 750 |
| | 53610 | COURSEBOOK PRODUCTION | 500 | 500 | - | 0% | 45 | - |
| | 53640 | ACCREDITATION FEES | 3,000 | 3,000 | - | 0% | 2,670 | 1,818 |
| | 53690 | FACILITIES | 160,500 | 165,000 | 4,500 | 3% | 120,386 | 66,553 |
| | 53700 | SPEAKERS & PROGRAM DEVELOP | 45,000 | 48,000 | 3,000 | 7% | 25,852 | 16,134 |
| | 53730 | HONORARIUM | 3,000 | 3,000 | - | 0% | - | - |
| | 53740 | CLE SEMINAR COMMITTEE | 200 | 200 | - | 0% | - | - |
| | | TOTAL DIRECT EXPENSES | 236,165 | 247,300 | 11,135 | 5% | 161,108 | 89,487 |
| INDIRECT EXPENSES: | | | | | | | | |
| | 51199 | SALARY EXPENSE | 487,487 | 528,792 | 41,305 | 8% | 512,735 | 366,528 |
| | 51299 | BENEFITS EXPENSE | 188,518 | 191,718 | 3,200 | 2% | 181,002 | 134,604 |
| | 51900 | OTHER INDIRECT EXPENSE | 194,448 | 161,107 | (33,341) | -17% | 189,568 | 136,367 |
| | | TOTAL INDIRECT EXPENSES: | 870,452 | 881,617 | 11,165 | 1% | 883,305 | 637,499 |
| | | TOTAL ALL EXPENSES: | 1,106,617 | 1,128,917 | 22,300 | 2% | 1,044,413 | 726,986 |
| | | NET INCOME (LOSS): | (411,617) | (433,917) | (22,300) | 5% | (421,111) | (236,040) |

**Washington State Bar Association
Budget Comparison**

| DESKBOOKS | | | FY2024 | FY2025 | FY24 vs. FY25 | % Change | FY2023 | FY2024 |
|---------------------------------|-----------------------|-----------------------------------|-------------------|------------------|----------------------|-----------------|------------------|------------------|
| Cost Center | FY25 FTE | | Reforecast | Budget | Comparison | | Actuals | Actuals |
| DESK | REFORECAST FTE | 1.75 | | | | | YTD | YTD |
| REVENUE: | | | | | | | | |
| 43100 | | DESKBOOK SALES (LEXISNEXIS PRINT) | 30,000 | 30,000 | - | 0% | 40,042 | 8,081 |
| 43450 | | SECTION PUBLICATION SALES | 1,500 | 1,000 | (500) | -33% | 2,300 | 585 |
| 43455 | | LEXIS/NEXIS ROYALTIES | 75,000 | 75,000 | - | 0% | 53,429 | 39,466 |
| 43525 | | CASEMAKER ROYALTIES | 30,000 | 25,000 | (5,000) | -17% | 46,667 | 17,130 |
| TOTAL REVENUE | | | 136,500 | 131,000 | (5,500) | -4% | 142,437 | 65,261 |
| DIRECT EXPENSES: | | | | | | | | |
| 50120 | | STAFF MEMBERSHIP DUES | 225 | 250 | 25 | 11% | 256 | 248 |
| 50130 | | SUBSCRIPTIONS | 50 | 50 | - | 0% | 43 | 43 |
| 53210 | | COST OF SALES - DESKBOOKS | 4,000 | 5,000 | 1,000 | 25% | 83,645 | 2,665 |
| 53225 | | COST OF SALES - SECTION PUBLIC | 500 | 500 | - | 0% | 2,217 | 355 |
| 53260 | | OBSOLETE INVENTORY | 21,000 | 48,250 | 27,250 | 130% | - | 4,122 |
| 53265 | | SPLITS TO SECTIONS | 300 | 300 | - | 0% | 454 | 96 |
| 53270 | | DESKBOOK ROYALTIES | 300 | 300 | - | 0% | 92 | 198 |
| 53320 | | POSTAGE & DELIVERY-COURSEBOOKS | - | 300 | 300 | | 90 | - |
| TOTAL DIRECT EXPENSES | | | 26,375 | 54,950 | 28,575 | 108% | 86,797 | 7,726 |
| INDIRECT EXPENSES: | | | | | | | | |
| 51199 | | SALARY EXPENSE | 155,883 | 178,087 | 22,205 | 14% | 132,633 | 118,357 |
| 51299 | | BENEFITS EXPENSE | 51,896 | 56,847 | 4,951 | 10% | 40,584 | 38,032 |
| 51900 | | OTHER INDIRECT EXPENSE | 48,612 | 42,017 | (6,595) | -14% | 41,517 | 34,017 |
| TOTAL INDIRECT EXPENSES: | | | 256,391 | 276,952 | 20,561 | 8% | 214,735 | 190,406 |
| TOTAL ALL EXPENSES: | | | 282,766 | 331,902 | 49,136 | 17% | 301,532 | 198,133 |
| NET INCOME (LOSS): | | | (146,266) | (200,902) | (54,636) | 37% | (159,095) | (132,871) |

ATTACHMENT C

**Washington State Bar Association
Budget Comparison**

CLIENT PROTECTION FUND

Cost Center **FY25 FTE 1.23**
 CPF **REFORECAST FTE 1.23**

| FY2024 Reforecast | FY2025 Budget | FY24 vs. FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|-------------------------------------|-----------------|-----------------------------------|-----------------------------------|

REVENUE:

| | | | | | | | |
|----------------------|------------------------|----------------|----------------|----------------|------------|----------------|----------------|
| 40500 | INTEREST - INVESTMENTS | 180,000 | 200,000 | 20,000 | 11% | 245,788 | 206,149 |
| 44820 | CPF RESTITUTION | 10,000 | 10,000 | - | 0% | 9,177 | 23,719 |
| 44840 | CPF MEMBER ASSESSMENTS | 525,930 | 720,540 | 194,610 | 37% | 715,570 | 537,265 |
| TOTAL REVENUE | | 715,930 | 930,540 | 214,610 | 30% | 970,535 | 767,133 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|-----------------------------|----------------|----------------|--------------|-----------|----------------|---------------|
| 50020 | BANK FEES | 3,000 | 2,500 | (500) | -17% | 2,705 | (2,115) |
| 50110 | STAFF CONFERENCE & TRAINING | - | 1,700 | 1,700 | - | - | - |
| 50120 | STAFF MEMBERSHIP DUES | 200 | 200 | - | 0% | 200 | 200 |
| 54810 | GIFTS TO INJURED CLIENTS | 500,000 | 500,000 | - | 0% | 342,424 | 18,975 |
| 54820 | CPF BOARD | 2,000 | 2,000 | - | 0% | 1,125 | 499 |
| TOTAL DIRECT EXPENSES | | 505,200 | 506,400 | 1,200 | 0% | 346,454 | 17,559 |

INDIRECT EXPENSES:

| | | | | | | | |
|---------------------------------|------------------------|----------------|----------------|----------------|------------|----------------|----------------|
| 51199 | SALARY EXPENSE | 110,717 | 115,160 | 4,443 | 4% | 104,441 | 83,560 |
| 51299 | BENEFITS EXPENSE | 41,259 | 38,272 | (2,987) | -7% | 35,668 | 30,129 |
| 51900 | OTHER INDIRECT EXPENSE | 36,238 | 29,532 | (6,706) | -19% | 34,075 | 25,364 |
| TOTAL INDIRECT EXPENSES: | | 188,214 | 182,964 | (5,250) | -3% | 174,184 | 139,052 |

| | | | | | | | |
|----------------------------|--|----------------|----------------|----------------|------------|----------------|----------------|
| TOTAL ALL EXPENSES: | | 693,414 | 689,364 | (4,050) | -1% | 520,638 | 156,611 |
|----------------------------|--|----------------|----------------|----------------|------------|----------------|----------------|

| | | | | | | | |
|---------------------------|--|---------------|----------------|----------------|-------------|----------------|----------------|
| NET INCOME (LOSS): | | 22,516 | 241,176 | 218,660 | 971% | 449,897 | 610,522 |
|---------------------------|--|---------------|----------------|----------------|-------------|----------------|----------------|

ATTACHMENT D

Washington State Bar Association
Section Budget Comparison

All Sections

SECTOPS

| | | FY2024 Reforecast | FY2025 Budget | FY24 vs FY25 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|---|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| REVENUE: | | | | | | | |
| 48200 | SECTION DUES | 438,431 | 438,280 | (151) | 0% | 427,651 | 562,181 |
| 41855 | CLE SECTION SPLITS PROJECTIONS | - | - | - | | - | - |
| 40500 | INTEREST INCOME | 17,147 | 2,050 | (15,097) | -88% | 81,582 | - |
| 40800 | PUBLICATIONS REVENUE | 1,500 | 1,250 | (250) | -17% | 2,008 | 972 |
| | OTHER | 78,010 | 44,203 | (33,807) | -43% | 27,975 | 35,945 |
| | SEMINAR PROFIT SHARE | 153,875 | 159,700 | 5,825 | 4% | 153,664 | 23,241 |
| TOTAL REVENUE | | 688,963 | 645,483 | (43,480) | -6% | 692,880 | 622,339 |
| DIRECT EXPENSES: | | | | | | | |
| | DIRECT EXPENSES OF SECTION ACTIVITIES | 733,096 | 724,773 | (8,323) | -1% | 256,979 | 230,027 |
| | REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES | 284,470 | 280,433 | (4,037) | -1% | 268,147 | 364,192 |
| TOTAL DIRECT EXPENSES | | 1,017,566 | 1,005,206 | (12,361) | -1% | 525,126 | 594,220 |
| NET INCOME (LOSS): | | (328,603) | (359,722) | (31,120) | 9% | 167,754 | 28,119 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---|--------------|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| ANTITRUST, CONSUMER PROTECTION & UNFAIR BUSINESS PRACTICES SECTION | | | | | | | |
| SACPU REVENUE: | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 548 | 548 | | 2,568 | - |
| | 41805 | MINI-CLE REVENUE | 240 | 240 | | - | 370 |
| | 48200 | SECTION DUES REVENUE | 4,644 | 4,611 | | 4,697 | 6,591 |
| | | TOTAL REVENUE | 5,431 | 5,399 | - | - | 7,265 |
| DIRECT EXPENSES: | | | | | | | |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 750 | 750 | - | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 500 | 500 | - | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 100 | 100 | - | - | - |
| | 58400 | PER MEMBER CHARGE | 3,428 | 3,403 | (25) | (0) | 3,362 |
| | 58450 | RECEPTION/FORUM EXPENSE | 690 | 690 | - | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 6,000 | 6,000 | - | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 1,000 | 1,000 | - | - | - |
| | 58620 | MINI-CLE EXPENSE | 1,500 | 1,500 | - | - | 377 |
| | | TOTAL DIRECT EXPENSES | 13,968 | 13,943 | (25) | (0) | 3,739 |
| | | NET INCOME (LOSS): | (8,537) | (8,544) | (7) | 0% | 3,526 |
| | | NEW FUND BALANCE: | 52,620 | 44,076 | (8,544) | -16% | 61,157 |
| | | | | | | | 62,716 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|-----------------------------------|--------------------------------|----------------|---------------------|-----------------|----------------|----------------|---------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| | | | | | | YTD | YTD | |
| SADM | ADMINISTRATIVE LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 456 | - | (456) | -100% | 2,046 | - |
| | 40800 | PUBLICATIONS REVENUE | 1,500 | 1,250 | (250) | -17% | 2,008 | 972 |
| | 41805 | MINI-CLE REVENUE | 3,000 | 7,500 | 4,500 | 150% | 3,615 | 6,670 |
| | 48200 | SECTION DUES REVENUE | 7,500 | 7,050 | (450) | -6% | 7,072 | 9,287 |
| | | TOTAL REVENUE | 12,456 | 15,800 | 3,344 | 27% | 14,741 | 16,929 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | - | - | - | | 1 | - |
| | 58175 | AWARDS | 200 | 200 | - | 0% | 187 | 191 |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 11,000 | 13,050 | 2,050 | 19% | 5,374 | 1,000 |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 125 | 500 | 375 | 300% | - | - |
| | 58375 | NEWSLETTER/PUBLICATION EXPENSE | 1,200 | 1,200 | - | 0% | 510 | - |
| | 58400 | PER MEMBER CHARGE | 4,616 | 4,337 | (279) | -6% | 4,222 | 5,734 |
| | 58450 | RECEPTION/FORUM EXPENSE | 1,500 | 1,200 | (300) | -20% | 1,150 | 445 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | - | 5,000 | 5,000 | | - | - |
| | 58620 | MINI-CLE EXPENSE | 1,500 | 1,100 | (400) | -27% | 1,416 | 822 |
| | | TOTAL DIRECT EXPENSES | 20,141 | 26,587 | 6,446 | 32% | 12,862 | 8,192 |
| | | NET INCOME (LOSS): | (7,685) | (10,787) | (3,102) | 40% | 1,879 | 8,737 |
| | | NEW FUND BALANCE: | 40,565 | 29,778 | (10,787) | -27% | 48,250 | 56,987 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|---------------------------|------------------------------|------------------------------|----------------|---------------------|-----------------|----------------|----------------|---------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| | | | | | | YTD | YTD | |
| SANIM | ANIMAL LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 100 | - | (100) | -100% | 476 | - |
| | 41805 | MINI-CLE REVENUE | 250 | 250 | - | 0% | - | - |
| | 48200 | SECTION DUES REVENUE | 1,975 | 1,975 | - | 0% | 1,956 | 2,527 |
| | TOTAL REVENUE | | 2,325 | 2,225 | (100) | -4% | 2,431 | 2,527 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 570 | 570 | - | 0% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 960 | 960 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 10 | 10 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 1,459 | 1,458 | (1) | 0% | 1,402 | 1,872 |
| | 58620 | MINI-CLE EXPENSE | 390 | 390 | - | 0% | - | - |
| | TOTAL DIRECT EXPENSES | | 3,389 | 3,388 | (1) | 0% | 1,402 | 1,872 |
| NET INCOME (LOSS): | | | (1,063) | (1,163) | (100) | 9% | 1,029 | 655 |
| NEW FUND BALANCE: | | | 10,450 | 9,287 | (1,163) | -11% | 11,514 | 12,168 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|-------------------------|-----------------------------|--------------------------------|------------------|----------------------------|-----------------|--------------------------|--------------------------|---------------|
| SBUS | BUSINESS LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 527 | - | (527) | -100% | 2,625 | - |
| | 41805 | MINI-CLE REVENUE | 1,900 | 1,900 | - | 0% | 2,325 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 1,500 | 250 | (1,250) | -83% | 583 | - |
| | 48200 | SECTION DUES REVENUE | 30,769 | 29,817 | (952) | -3% | 29,425 | 38,858 |
| | | TOTAL REVENUE | 34,695 | 31,967 | (2,728) | -8% | 34,958 | 38,858 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58125 | ANNUAL OR OTHER MEETING EXPENS | 1,000 | - | (1,000) | -100% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | - | 20,000 | 20,000 | | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 900 | 900 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 1,000 | 1,000 | - | 0% | - | - |
| | 58375 | NEWSLETTER/PUBLICATION EXPENSE | 2,000 | 1,000 | (1,000) | -50% | - | - |
| | 58400 | PER MEMBER CHARGE | 22,722 | 22,009 | (713) | -3% | 21,099 | 28,778 |
| | 58500 | NEW LAWYER OUTREACH | 1,500 | 1,500 | - | 0% | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | - | 5,000 | 5,000 | | - | - |
| | 58550 | SECTION COMMITTEE EXPENSE | 2,500 | 2,000 | (500) | -20% | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 6,000 | 500 | (5,500) | -92% | - | - |
| | 58620 | MINI-CLE EXPENSE | 6,000 | 6,000 | - | 0% | 4,723 | 224 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 4,783 | 5,000 | 217 | 5% | - | - |
| | | TOTAL DIRECT EXPENSES | 48,405 | 64,909 | 16,503 | 34% | 25,822 | 29,002 |
| | | NET INCOME (LOSS): | (13,710) | (32,942) | (19,232) | 140% | 9,136 | 9,856 |
| | | NEW FUND BALANCE: | 51,569 | 18,627 | (32,942) | 174% | 65,279 | 75,134 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|---|------------------------------|---------------|---------------------|-----------------|----------------|----------------|--------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| | | | | | | YTD | YTD | |
| SLCP | LIQUOR, CANNABIS, AND PSYCHEDELICS SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 39 | - | (39) | -100% | 204 | - |
| | 41805 | MINI-CLE REVENUE | 1,600 | 800 | (800) | -50% | 1,575 | 758 |
| | 48200 | SECTION DUES REVENUE | 2,031 | 1,914 | (117) | -6% | 1,944 | 2,223 |
| | TOTAL REVENUE | | 3,670 | 2,714 | (956) | -26% | 3,723 | 2,981 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 1,100 | 700 | (400) | -36% | - | 274 |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 500 | 100 | (400) | -80% | - | - |
| | 58400 | PER MEMBER CHARGE | 1,503 | 1,414 | (90) | -6% | 1,390 | 1,643 |
| | 58620 | MINI-CLE EXPENSE | 500 | 200 | (300) | -60% | 24 | 551 |
| | TOTAL DIRECT EXPENSES | | 3,603 | 2,414 | (1,190) | -33% | 1,414 | 2,468 |
| | NET INCOME (LOSS): | | 67 | 300 | 233 | 348% | 2,308 | 513 |
| | NEW FUND BALANCE: | | 5,928 | 6,229 | 300 | 5% | 5,861 | 6,374 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|---------------------------------------|--------------------------------|---------------|---------------------|-----------------|----------------|----------------|---------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| SCD | CREDITOR DEBTOR RIGHTS SECTION | | | | | YTD | YTD | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 403 | - | (403) | -100% | 1,810 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 2,800 | 1,250 | (2,800) | -100% | 5,741 | - |
| | 48200 | SECTION DUES REVENUE | 15,881 | 15,914 | (15,881) | -100% | 15,017 | 19,496 |
| | | TOTAL REVENUE | 19,084 | 17,164 | 15,244 | 80% | 22,568 | 19,496 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58175 | AWARDS | 350 | 350 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 1,000 | 1,000 | - | 0% | - | 366 |
| | 58375 | NEWSLETTER/PUBLICATION EXPENSE | 300 | 300 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 8,377 | 8,390 | 13 | 0% | 7,982 | 10,415 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | 10,000 | 5,000 | 100% | 5,000 | 5,000 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 2,000 | 2,000 | - | 0% | - | - |
| | | TOTAL DIRECT EXPENSES | 17,027 | 22,040 | 5,013 | 29% | 12,982 | 15,781 |
| | | NET INCOME (LOSS): | 2,057 | (4,876) | (6,934) | -337% | 9,586 | 3,715 |
| | | NEW FUND BALANCE: | 48,713 | 43,837 | (4,876) | -10% | 46,656 | 50,371 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------------|----------------------|------------------|----------------------------|-------------|--------------------------|--------------------------|
| SCON | CONSTRUCTION LAW SECTION | | | | | | |
| REVENUE: | | | | | | | |
| 40500 | INTEREST - INVESTMENTS | 572 | - | (572) | -100% | 2,607 | - |
| 41875 | SEMINAR SPLITS W/ OTHERS | 6,000 | 6,000 | - | 0% | 3,365 | - |
| 48200 | SECTION DUES REVENUE | 12,275 | 11,975 | (300) | -2% | 12,048 | 15,791 |
| TOTAL REVENUE | | 18,847 | 17,975 | (872) | -5% | 18,020 | 15,791 |
| DIRECT EXPENSES: | | | | | | | |
| 50165 | CONFERENCE CALLS | - | - | - | | 1 | - |
| 58175 | AWARDS | 500 | 500 | - | 0% | 204 | - |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 1,000 | 1,000 | - | 0% | - | - |
| 58315 | HONORARIUM | 500 | 500 | - | 0% | - | - |
| 58325 | LDSHIP/PROF DEVELOP/RETREATS | 2,500 | 2,500 | - | 0% | 634 | 729 |
| 58350 | MEMBERSHIP & RECRUITING EXP | 500 | 500 | - | 0% | - | - |
| 58375 | NEWSLETTER/PUBLICATION EXPENSE | 800 | 800 | - | 0% | 446 | 638 |
| 58400 | PER MEMBER CHARGE | 9,064 | 8,839 | (225) | -2% | 8,650 | 11,705 |
| 58450 | RECEPTION/FORUM EXPENSE | 8,000 | 8,000 | - | 0% | 3,350 | 2,194 |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | 5,000 | - | 0% | - | - |
| 58600 | SECTION SPECIAL PROJECTS | 1,000 | 1,000 | - | 0% | - | - |
| 58620 | MINI-CLE EXPENSE | 1,800 | 1,800 | - | 0% | - | - |
| 58625 | SEMINAR EXPENSE - SECTIONS | 1,000 | 1,000 | - | 0% | - | - |
| TOTAL DIRECT EXPENSES | | 31,664 | 31,439 | (225) | -1% | 13,285 | 15,265 |
| NET INCOME (LOSS): | | (12,817) | (13,464) | (647) | 5% | 4,735 | 526 |
| NEW FUND BALANCE: | | 49,837 | 36,373 | (13,464) | -27% | 62,653 | 63,179 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---------------------------|--------------------------------------|----------------------|------------------|----------------------------|-------------|--------------------------|--------------------------|
| SCRIM | CRIMINAL LAW SECTION | | | | | | |
| REVENUE: | | | | | | | |
| | 40500 INTEREST - INVESTMENTS | 801 | - | (801) | -100% | 4,128 | - |
| | 41850 SEMINAR SPLITS W/ CLE | 7,000 | 850 | (6,150) | -88% | 3,520 | - |
| | 48200 SECTION DUES REVENUE | 11,010 | 11,010 | - | 0% | 10,460 | 13,387 |
| | TOTAL REVENUE | 18,811 | 11,860 | (6,951) | -37% | 18,108 | 13,387 |
| DIRECT EXPENSES: | | | | | | | |
| | 50165 CONFERENCE CALLS | 150 | 160 | 10 | 7% | 165 | - |
| | 58125 ANNUAL OR OTHER MEETING EXPENS | 5,500 | 1,500 | (4,000) | -73% | - | - |
| | 58300 EXECUTIVE COMMITTEE EXPENSES | 1,500 | 1,500 | - | 0% | 1,129 | 587 |
| | 58305 EXECUTIVE COMM EXP - OTHER | 1,000 | 1,000 | - | 0% | - | - |
| | 58325 LDSHIP/PROF DEVELOP/RETREATS | 3,500 | 4,000 | 500 | 14% | - | - |
| | 58350 MEMBERSHIP & RECRUITING EXP | 1,000 | 1,000 | - | 0% | - | - |
| | 58400 PER MEMBER CHARGE | 6,776 | 6,772 | (3) | 0% | 6,254 | 8,265 |
| | 58450 RECEPTION/FORUM EXPENSE | 2,500 | 2,500 | - | 0% | - | - |
| | 58500 NEW LAWYER OUTREACH | 500 | 500 | - | 0% | - | - |
| | 58525 SCHOLARSHIPS/DONATIONS/GRANT | 4,000 | 4,000 | - | 0% | - | - |
| | 58615 LAW SCHOOL OUTREACH | 500 | 1,500 | 1,000 | 200% | - | - |
| | 58620 MINI-CLE EXPENSE | 500 | 1,000 | 500 | 100% | - | - |
| | 58625 SEMINAR EXPENSE - SECTIONS | 7,500 | 7,500 | - | 0% | - | - |
| | 58675 WEBSITE EXPENSES | 500 | 500 | - | 0% | - | - |
| | TOTAL DIRECT EXPENSES | 35,426 | 33,432 | (1,993) | -6% | 7,548 | 8,852 |
| NET INCOME (LOSS): | | (16,615) | (21,572) | (4,958) | 30% | 10,560 | 4,534 |
| NEW FUND BALANCE: | | 84,122 | 62,549 | (21,572) | -26% | 100,736 | 105,271 |

**Washington State Bar Association
Section Budget Comparison**

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|-------------------------|---------------------------------|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|---------------|
| SCRL | CIVIL RIGHTS LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 141 | - | (141) | -100% | 672 | - |
| | 41805 | MINI-CLE REVENUE | 1,020 | 1,020 | - | 0% | - | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 200 | 200 | - | 0% | 469 | - |
| | 48200 | SECTION DUES REVENUE | 5,288 | 4,697 | (591) | -11% | 5,091 | 6,017 |
| | | TOTAL REVENUE | 6,648 | 5,917 | (731) | -11% | 6,232 | 6,017 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 170 | 170 | - | 0% | - | - |
| | 58175 | AWARDS | 610 | 610 | - | 0% | 60 | - |
| | 58315 | HONORARIUM | 500 | 500 | - | 0% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 2,000 | 2,000 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 3,255 | 2,889 | (365) | -11% | 3,041 | 3,711 |
| | 58450 | RECEPTION/FORUM EXPENSE | 620 | 620 | - | 0% | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 210 | 210 | - | 0% | - | - |
| | 58620 | MINI-CLE EXPENSE | 112 | 112 | - | 0% | - | - |
| | | TOTAL DIRECT EXPENSES | 7,477 | 7,111 | (365) | -5% | 3,101 | 3,711 |
| | | NET INCOME (LOSS): | (828) | (1,194) | (366) | 44% | 3,131 | 2,306 |
| | | NEW FUND BALANCE: | 16,277 | 15,083 | (1,194) | -7% | 17,105 | 19,412 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|-------------------------|------------------------------------|----------------------|------------------|----------------------------|-------------|--------------------------|--------------------------|
| SCORP | CORPORATE COUNSEL SECTION | | | | | | |
| REVENUE: | | | | | | | |
| | 40500 INTEREST - INVESTMENTS | 655 | - | (655) | -100% | 2,849 | - |
| | 41805 MINI-CLE REVENUE | 8,000 | 10,000 | 2,000 | 25% | - | 8,445 |
| | 41850 SEMINAR SPLITS W/ CLE | 5,850 | 3,000 | (2,850) | -49% | 3,969 | - |
| | 41875 SEMINAR SPLITS W/ OTHERS | 4,000 | 4,000 | - | 0% | - | - |
| | 48200 SECTION DUES REVENUE | 24,000 | 21,750 | (2,250) | -9% | 20,635 | 26,498 |
| | TOTAL REVENUE | 42,505 | 38,750 | (3,755) | -9% | 27,453 | 34,943 |
| DIRECT EXPENSES: | | | | | | | |
| | 58175 AWARDS | 200 | 200 | - | 0% | - | - |
| | 58300 EXECUTIVE COMMITTEE EXPENSES | 500 | 500 | - | 0% | - | - |
| | 58325 LDSHIP/PROF DEVELOP/RETREATS | 500 | 500 | - | 0% | - | - |
| | 58350 MEMBERSHIP & RECRUITING EXP | 1,000 | 1,000 | - | 0% | - | - |
| | 58400 PER MEMBER CHARGE | 22,857 | 20,244 | (2,613) | -11% | 18,500 | 24,541 |
| | 58450 RECEPTION/FORUM EXPENSE | 500 | 500 | - | 0% | - | - |
| | 58525 SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | 5,000 | - | 0% | - | - |
| | 58620 MINI-CLE EXPENSE | 8,750 | 10,000 | 1,250 | 14% | - | 9,240 |
| | 58625 SEMINAR EXPENSE - SECTIONS | 500 | 500 | - | 0% | - | 2,500 |
| | TOTAL DIRECT EXPENSES | 39,807 | 38,444 | (1,363) | -3% | 18,500 | 36,281 |
| | NET INCOME (LOSS): | 2,698 | 306 | (2,392) | -89% | 8,953 | (1,337) |
| | NEW FUND BALANCE: | 73,061 | 73,367 | 306 | 0% | 70,363 | 69,026 |

Washington State Bar Association
Section Budget Comparison

SDR DISPUTE RESOLUTION SECTION

| FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|----------------------------|----------|--------------------------|--------------------------|

REVENUE:

| | | | | | | | |
|----------------------|--------------------------|---------------|---------------|-----------------|-------------|---------------|---------------|
| 40500 | INTEREST - INVESTMENTS | 389 | - | (389) | -100% | 1,758 | - |
| 41700 | CONFERENCES & INSTITUTES | 38,000 | 3,738 | (34,262) | -90% | - | 3,739 |
| 41805 | MINI-CLE REVENUE | 360 | - | (360) | -100% | - | - |
| 48200 | SECTION DUES REVENUE | 11,165 | 10,273 | (893) | -8% | 10,037 | 13,216 |
| TOTAL REVENUE | | 49,914 | 14,011 | (35,903) | -72% | 11,796 | 16,954 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|------------------------------|---------------|---------------|-----------------|-------------|--------------|---------------|
| 50165 | CONFERENCE CALLS | 110 | 110 | - | 0% | - | - |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 950 | 950 | - | 0% | 204 | - |
| 58325 | LDSHIP/PROF DEVELOP/RETREATS | 6,000 | 6,500 | 500 | 8% | 597 | 4,016 |
| 58350 | MEMBERSHIP & RECRUITING EXP | 1,500 | 1,500 | - | 0% | - | - |
| 58400 | PER MEMBER CHARGE | 5,890 | 5,416 | (473) | -8% | 5,145 | 6,997 |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | - | 2,500 | 2,500 | - | - | - |
| 58600 | SECTION SPECIAL PROJECTS | 220 | 220 | - | 0% | - | - |
| 58620 | MINI-CLE EXPENSE | 2,000 | 2,000 | - | 0% | 112 | 112 |
| 58625 | SEMINAR EXPENSE - SECTIONS | 42,000 | 3,500 | (38,500) | -92% | - | 3,500 |
| 58675 | WEBSITE EXPENSES | 250 | 250 | - | 0% | 100 | - |
| TOTAL DIRECT EXPENSES | | 58,920 | 22,946 | (35,973) | -61% | 6,157 | 14,625 |

| | | | | | | |
|---------------------------|----------------|----------------|-----------|------------|--------------|--------------|
| NET INCOME (LOSS): | (9,006) | (8,936) | 70 | -1% | 5,638 | 2,329 |
|---------------------------|----------------|----------------|-----------|------------|--------------|--------------|

| | | | | | | |
|--------------------------|---------------|---------------|----------------|-------------|---------------|---------------|
| NEW FUND BALANCE: | 34,473 | 25,537 | (8,936) | -26% | 43,478 | 45,807 |
|--------------------------|---------------|---------------|----------------|-------------|---------------|---------------|

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|--------------------------|------------------------------|-----------------|---------------------|-----------------|----------------|-----------------|----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| SELD | ELDER LAW SECTION | | | | | YTD | YTD | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 1,136 | - | (1,136) | -100% | 4,560 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 5,625 | 5,350 | (275) | -5% | 6,919 | - |
| | 48200 | SECTION DUES REVENUE | 21,053 | 21,013 | (39) | 0% | 21,164 | 27,740 |
| | | TOTAL REVENUE | 27,813 | 26,363 | (1,450) | -5% | 32,643 | 27,740 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 170 | 170 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 1,500 | 1,500 | - | 0% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 5,000 | 5,000 | - | 0% | 222 | - |
| | 58326 | LEGISLATIVE/LOBBYING | 1,500 | 1,500 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 100 | 100 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 11,106 | 11,079 | (27) | 0% | 10,831 | 14,680 |
| | 58450 | RECEPTION/FORUM EXPENSE | 5,000 | 3,000 | (2,000) | -40% | 1,312 | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 30,000 | 15,000 | (15,000) | -50% | 30,000 | - |
| | 58600 | SECTION SPECIAL PROJECTS | 2,500 | 2,500 | - | 0% | 300 | - |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 1,500 | 1,500 | - | 0% | - | - |
| | | TOTAL DIRECT EXPENSES | 58,376 | 41,349 | (17,027) | -29% | 42,665 | 14,680 |
| | | NET INCOME (LOSS): | (30,563) | (14,986) | 15,577 | -51% | (10,022) | 13,060 |
| | | NEW FUND BALANCE: | 69,880 | 54,894 | (14,986) | -21% | 100,443 | 113,503 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|-------------------------|--------------------------------------|----------------------|------------------|----------------------------|--------------|--------------------------|--------------------------|
| SELU | ENVIRONMENTAL & LAND USE LAW SECTION | | | | | | |
| REVENUE: | | | | | | | |
| | 40500 INTEREST - INVESTMENTS | 645 | - | (645) | -100% | 2,788 | - |
| | 41805 MINI-CLE REVENUE | 1,500 | - | (1,500) | -100% | 1,605 | 3,770 |
| | 41850 SEMINAR SPLITS W/ CLE | 6,000 | 8,000 | 2,000 | 33% | 1,885 | - |
| | 48200 SECTION DUES REVENUE | 30,430 | 29,358 | (1,073) | -4% | 29,608 | 38,986 |
| | TOTAL REVENUE | 38,575 | 37,358 | (1,217) | -3% | 35,886 | 42,756 |
| DIRECT EXPENSES: | | | | | | | |
| | 50165 CONFERENCE CALLS | 175 | 175 | - | 0% | 165 | 165 |
| | 58175 AWARDS | 2,000 | 1,000 | (1,000) | -50% | 2,000 | - |
| | 58200 BREAKFAST/LUNCH/DINNER MTG EXP | 500 | 500 | - | 0% | - | 82 |
| | 58300 EXECUTIVE COMMITTEE EXPENSES | 12,500 | 9,500 | (3,000) | -24% | 8,871 | 7,813 |
| | 58305 EXECUTIVE COMM EXP - OTHER | 500 | 500 | - | 0% | - | - |
| | 58400 PER MEMBER CHARGE | 13,847 | 13,494 | (353) | -3% | 13,264 | 18,066 |
| | 58525 SCHOLARSHIPS/DONATIONS/GRANT | 9,000 | 5,000 | (4,000) | -44% | 9,000 | 7,222 |
| | 58615 LAW SCHOOL OUTREACH | 2,000 | 2,000 | - | 0% | 1,152 | 1,463 |
| | 58620 MINI-CLE EXPENSE | 5,500 | 500 | (5,000) | -91% | 112 | 236 |
| | 58625 SEMINAR EXPENSE - SECTIONS | 1,500 | 1,500 | - | 0% | - | - |
| | 58675 WEBSITE EXPENSES | 130 | 130 | - | 0% | 123 | 126 |
| | 58750 SEMINAR SCHOLARSHIPS | 2,000 | 2,000 | - | 0% | 2,000 | 778 |
| | TOTAL DIRECT EXPENSES | 49,652 | 36,299 | (13,353) | -27% | 36,688 | 35,951 |
| | NET INCOME (LOSS): | (11,077) | 1,059 | 12,136 | -110% | (803) | 6,804 |
| | NEW FUND BALANCE: | 52,988 | 54,046 | 1,059 | 2% | 64,065 | 70,869 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|---------------------------|--------------------------------|-----------------|---------------------|-----------------|----------------|----------------|----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| | | | | | | YTD | YTD | |
| SFAM | FAMILY LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 1,701 | - | (1,701) | -100% | 8,222 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 26,050 | 36,700 | 10,650 | 41% | 19,976 | - |
| | 41875 | SEMINAR SPLITS W/ OTHERS | - | - | - | | 1,135 | - |
| | 48200 | SECTION DUES REVENUE | 34,151 | 34,709 | 558 | 2% | 34,068 | 46,445 |
| | | TOTAL REVENUE | 61,902 | 71,409 | 9,507 | 15% | 63,400 | 46,445 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 200 | - | (200) | -100% | - | - |
| | 58125 | ANNUAL OR OTHER MEETING EXPENS | 1,500 | 1,500 | - | 0% | - | - |
| | 58150 | ATTENDANCE AT BOG MEETINGS | 1,350 | 2,000 | 650 | 48% | - | - |
| | 58175 | AWARDS | 2,000 | 1,500 | (500) | -25% | 599 | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 16,000 | 2,000 | (14,000) | -88% | 6,035 | - |
| | 58305 | EXECUTIVE COMM EXP - OTHER | 10,000 | 16,000 | 6,000 | 60% | 9,561 | 586 |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 1,000 | 10,000 | 9,000 | 900% | - | - |
| | 58375 | NEWSLETTER/PUBLICATION EXPENSE | 2,000 | 5,000 | 3,000 | 150% | - | 429 |
| | 58400 | PER MEMBER CHARGE | 18,014 | 18,300 | 285 | 2% | 17,443 | 24,274 |
| | 58450 | RECEPTION/FORUM EXPENSE | 1,000 | 1,000 | - | 0% | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 15,000 | 30,000 | 15,000 | 100% | 1,968 | - |
| | 58620 | MINI-CLE EXPENSE | - | 3,000 | 3,000 | | - | - |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 5,000 | 5,000 | - | 0% | 1,529 | - |
| | | TOTAL DIRECT EXPENSES | 73,064 | 95,300 | 22,235 | 30% | 37,136 | 25,289 |
| | | NET INCOME (LOSS): | (11,162) | (23,890) | (12,729) | 114% | 26,264 | 21,156 |
| | | NEW FUND BALANCE: | 192,088 | 168,198 | (23,890) | -12% | 203,250 | 224,406 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|---------------------------|------------------------------|------------------------------|------------------|----------------------------|-----------------|--------------------------|--------------------------|----------------|
| SHEA | HEALTH LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 449 | - | (449) | -100% | 3,192 | - |
| | 41805 | MINI-CLE REVENUE | 500 | - | (500) | -100% | 1,550 | 490 |
| | 41850 | SEMINAR SPLITS W/ CLE | 4,200 | 500 | (3,700) | -88% | 1,242 | - |
| | 48200 | SECTION DUES REVENUE | 7,780 | 7,645 | (135) | -2% | 7,496 | 10,039 |
| | TOTAL REVENUE | | 12,929 | 8,145 | (4,784) | -37% | 13,480 | 10,529 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | - | - | - | | 1 | 4 |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 2,500 | 5,000 | 2,500 | 100% | - | - |
| | 58305 | EXECUTIVE COMM EXP - OTHER | 2,500 | 1,000 | (1,500) | -60% | - | 215 |
| | 58315 | HONORARIUM | 3,000 | 3,000 | - | 0% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 4,000 | 4,000 | - | 0% | 562 | 396 |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 6,000 | 6,000 | - | 0% | - | 3,639 |
| | 58400 | PER MEMBER CHARGE | 7,182 | 7,054 | (128) | -2% | 6,716 | 9,225 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 3,500 | 3,500 | - | 0% | 2,729 | - |
| | 58615 | LAW SCHOOL OUTREACH | - | 5,000 | 5,000 | | 1,225 | - |
| | 58620 | MINI-CLE EXPENSE | 1,500 | 1,500 | - | 0% | 304 | 112 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 5,000 | 5,000 | - | 0% | - | - |
| | 58750 | SEMINAR SCHOLARSHIPS | 2,500 | 2,500 | - | 0% | - | - |
| | TOTAL DIRECT EXPENSES | | 37,682 | 43,554 | 5,872 | 16% | 11,537 | 13,591 |
| NET INCOME (LOSS): | | | (24,753) | (35,409) | (10,656) | -53% | 1,943 | (3,062) |
| NEW FUND BALANCE: | | | 50,028 | 14,619 | (35,409) | -37% | 74,781 | 71,719 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|---|--------------------------------|-----------------|---------------------|-----------------|----------------|----------------|-----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| | | | | | | YTD | YTD | |
| SRPPT | REAL PROPERTY, PROBATE & TRUST SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 2,235 | - | (2,235) | -100% | 10,605 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 35,550 | 53,200 | 17,650 | 50% | 54,321 | - |
| | 48200 | SECTION DUES REVENUE | 55,525 | 56,069 | 544 | 1% | 55,254 | 73,212 |
| | | TOTAL REVENUE | 93,310 | 109,269 | 15,959 | 17% | 120,179 | 73,212 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 200 | 200 | - | 0% | 165 | 165 |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 10,000 | 10,000 | - | 0% | 391 | 2,111 |
| | 58305 | EXECUTIVE COMM EXP - OTHER | 40,000 | 40,000 | - | 0% | 19,121 | 24,899 |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 30,000 | 30,000 | - | 0% | 14,802 | 18,806 |
| | 58326 | LEGISLATIVE/LOBBYING | 500 | 500 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 1,000 | 2,000 | 1,000 | 100% | - | - |
| | 58375 | NEWSLETTER/PUBLICATION EXPENSE | - | 2,000 | 2,000 | | 680 | 2,134 |
| | 58400 | PER MEMBER CHARGE | 40,993 | 41,383 | 389 | 1% | 39,613 | 54,256 |
| | 58500 | NEW LAWYER OUTREACH | 2,000 | 2,000 | - | 0% | 1,917 | 120 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | 5,000 | - | 0% | 2,500 | 3,990 |
| | 58615 | LAW SCHOOL OUTREACH | 1,000 | 10,000 | 9,000 | 900% | 316 | 155 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 20,000 | 20,000 | - | 0% | 3,586 | - |
| | 58675 | WEBSITE EXPENSES | 5,000 | 2,500 | (2,500) | -50% | 3,263 | 2,796 |
| | | TOTAL DIRECT EXPENSES | 155,693 | 165,583 | 9,889 | 6% | 86,353 | 109,432 |
| | | NET INCOME (LOSS): | (62,383) | (56,314) | 6,069 | -10% | 33,825 | (36,220) |
| | | NEW FUND BALANCE: | 199,757 | 143,443 | (56,314) | -28% | 262,140 | 225,920 |

**Washington State Bar Association
Section Budget Comparison**

| FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|
|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|

SIND INDIAN LAW SECTION

REVENUE:

| | | | | | | | |
|----------------------|--------------------------|---------------|---------------|--------------|------------|---------------|---------------|
| 40500 | INTEREST - INVESTMENTS | 669 | 200 | (469) | -70% | 3,196 | - |
| 41850 | SEMINAR SPLITS W/ CLE | 1,750 | - | (1,750) | -100% | 2,878 | - |
| 41875 | SEMINAR SPLITS W/ OTHERS | - | 10,000 | 10,000 | | 7,927 | 23,241 |
| 48200 | SECTION DUES REVENUE | 9,600 | 9,825 | 225 | 2% | 9,716 | 13,085 |
| TOTAL REVENUE | | 12,019 | 20,025 | 8,006 | 67% | 23,717 | 36,326 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|--------------------------------|---------------|---------------|--------------|------------|---------------|---------------|
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 400 | 400 | - | 0% | - | - |
| 58315 | HONORARIUM | 600 | 600 | - | 0% | - | - |
| 58350 | MEMBERSHIP & RECRUITING EXP | 1,600 | 1,000 | (600) | -38% | - | - |
| 58375 | NEWSLETTER/PUBLICATION EXPENSE | 1,250 | - | (1,250) | -100% | - | - |
| 58400 | PER MEMBER CHARGE | 5,908 | 6,043 | 135 | 2% | 5,802 | 8,082 |
| 58450 | RECEPTION/FORUM EXPENSE | 4,000 | 4,000 | - | 0% | 1,803 | - |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 20,000 | 25,000 | 5,000 | 25% | 9,194 | 12,500 |
| TOTAL DIRECT EXPENSES | | 33,758 | 37,043 | 3,285 | 10% | 16,799 | 20,582 |

| | | | | | | |
|---------------------------|-----------------|-----------------|--------------|-------------|--------------|---------------|
| NET INCOME (LOSS): | (21,739) | (17,018) | 4,720 | -22% | 6,918 | 15,744 |
|---------------------------|-----------------|-----------------|--------------|-------------|--------------|---------------|

| | | | | | | |
|--------------------------|---------------|---------------|-----------------|-------------|---------------|---------------|
| NEW FUND BALANCE: | 55,632 | 38,613 | (17,018) | -31% | 77,370 | 93,114 |
|--------------------------|---------------|---------------|-----------------|-------------|---------------|---------------|

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|---------------------------|--------------------------------------|----------------------|------------------|----------------------------|-------------|--------------------------|--------------------------|
| SINTL | INTERNATIONAL PRACTICE SECTION | | | | | | |
| REVENUE: | | | | | | | |
| | 40500 INTEREST - INVESTMENTS | 387 | - | (387) | -100% | 1,754 | - |
| | 41450 SPONSORSHIPS | 2,000 | 2,000 | - | 0% | - | - |
| | 41805 MINI-CLE REVENUE | 2,750 | 1,500 | (1,250) | -45% | 4,725 | 140 |
| | 48200 SECTION DUES REVENUE | 8,409 | 8,008 | (400) | -5% | 9,042 | 10,714 |
| | TOTAL REVENUE | 13,545 | 11,508 | (2,037) | -15% | 15,521 | 10,854 |
| DIRECT EXPENSES: | | | | | | | |
| | 50165 CONFERENCE CALLS | 200 | 200 | - | 0% | - | - |
| | 58125 ANNUAL OR OTHER MEETING EXPENS | 5,000 | 5,000 | - | 0% | 4,303 | 2,061 |
| | 58300 EXECUTIVE COMMITTEE EXPENSES | 250 | 1,000 | 750 | 300% | 410 | - |
| | 58325 LDSHIP/PROF DEVELOP/RETREATS | 250 | - | (250) | -100% | - | - |
| | 58375 NEWSLETTER/PUBLICATION EXPENSE | 500 | - | (500) | -100% | - | - |
| | 58400 PER MEMBER CHARGE | 4,435 | 4,222 | (213) | -5% | 4,489 | 5,617 |
| | 58450 RECEPTION/FORUM EXPENSE | 2,000 | - | (2,000) | -100% | - | - |
| | 58525 SCHOLARSHIPS/DONATIONS/GRANT | 1,000 | 5,000 | 4,000 | 400% | 1,000 | 800 |
| | 58620 MINI-CLE EXPENSE | 2,000 | 1,344 | (656) | -33% | 882 | 348 |
| | TOTAL DIRECT EXPENSES | 15,635 | 16,766 | 1,131 | 7% | 11,084 | 8,826 |
| NET INCOME (LOSS): | | (2,090) | (5,258) | (3,168) | 152% | 4,437 | 2,028 |
| NEW FUND BALANCE: | | 40,694 | 35,436 | (5,258) | -13% | 42,784 | 44,812 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 | |
|-------------------------|--|------------------------------|----------------|---------------------|-----------------|----------------|----------------|-----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals | |
| SIP | INTELLECTUAL PROPERTY LAW SECTION | | | | | YTD | YTD | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 1,053 | 1,000 | (53) | -5% | 4,782 | - |
| | 41805 | MINI-CLE REVENUE | 700 | 700 | - | 0% | 105 | 140 |
| | 41850 | SEMINAR SPLITS W/ CLE | 19,100 | 5,150 | (13,950) | -73% | 11,262 | - |
| | 48200 | SECTION DUES REVENUE | 20,531 | 20,320 | (211) | -1% | 20,344 | 26,406 |
| | | TOTAL REVENUE | 41,384 | 27,170 | (14,214) | -34% | 36,493 | 26,546 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58175 | AWARDS | - | 100 | 100 | - | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 1,000 | 500 | (500) | -50% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 500 | 500 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 2,000 | 800 | (1,200) | -60% | - | - |
| | 58400 | PER MEMBER CHARGE | 15,153 | 14,997 | (157) | -1% | 14,588 | 19,566 |
| | 58450 | RECEPTION/FORUM EXPENSE | 2,000 | 8,000 | 6,000 | 300% | 6,188 | 6,167 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 15,000 | 15,000 | - | 0% | 15,000 | 10,000 |
| | 58600 | SECTION SPECIAL PROJECTS | 2,000 | 2,000 | - | 0% | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 500 | 5,000 | 4,500 | 900% | - | - |
| | 58620 | MINI-CLE EXPENSE | 3,000 | 1,500 | (1,500) | -50% | 108 | 62 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 6,500 | 12,000 | 5,500 | 85% | 1,473 | 1,885 |
| | | TOTAL DIRECT EXPENSES | 47,653 | 60,397 | 12,743 | 27% | 37,357 | 37,680 |
| | | NET INCOME (LOSS): | (6,269) | (33,226) | (26,957) | 430% | (865) | (11,134) |
| | | NEW FUND BALANCE: | 103,883 | 70,657 | (33,226) | -32% | 110,152 | 99,018 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|------------------------------|------------------------------|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|
| SJUV | JUVENILE LAW SECTION | | | | | | |
| REVENUE: | | | | | | | |
| 40500 | INTEREST - INVESTMENTS | 116 | - | (116) | -100% | 630 | - |
| 41805 | MINI-CLE REVENUE | 500 | 500 | - | 0% | - | 490 |
| 48200 | SECTION DUES REVENUE | 4,699 | 4,587 | (112) | -2% | 4,625 | 6,232 |
| TOTAL REVENUE | | 5,315 | 5,087 | (228) | -4% | 5,255 | 6,722 |
| DIRECT EXPENSES: | | | | | | | |
| 50165 | CONFERENCE CALLS | 164 | 165 | 1 | 1% | 163 | 164 |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 760 | 250 | (510) | -67% | - | - |
| 58315 | HONORARIUM | 2,000 | 3,000 | 1,000 | 50% | - | - |
| 58325 | LDSHIP/PROF DEVELOP/RETREATS | 3,000 | 2,000 | (1,000) | -33% | - | - |
| 58350 | MEMBERSHIP & RECRUITING EXP | 250 | 100 | (150) | -60% | - | - |
| 58400 | PER MEMBER CHARGE | 2,478 | 2,418 | (59) | -2% | 2,369 | 3,299 |
| 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 3,000 | 2,500 | (500) | -17% | 1,500 | 600 |
| 58620 | MINI-CLE EXPENSE | 450 | 500 | 50 | 11% | - | 224 |
| TOTAL DIRECT EXPENSES | | 12,102 | 10,933 | (1,168) | -10% | 4,032 | 4,288 |
| NET INCOME (LOSS): | | (6,787) | (5,846) | 941 | -14% | 1,223 | 2,434 |
| NEW FUND BALANCE: | | 8,399 | 2,553 | (5,846) | -70% | 15,186 | 17,620 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 |
|------------------------------|---|-------------------|---------------|---------------------|-----------------|----------------|----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals |
| SLAMP | LEGAL ASSISTANCE TO MILITARY PERSONNEL SECTION | | | | | YTD | YTD |
| REVENUE: | | | | | | | |
| 40500 | INTEREST - INVESTMENTS | 202 | - | (202) | -100% | 926 | - |
| 41805 | MINI-CLE REVENUE | 320 | 320 | - | 0% | - | 264 |
| 48200 | SECTION DUES REVENUE | 2,669 | 2,636 | (33) | -1% | 2,636 | 3,154 |
| TOTAL REVENUE | | 3,191 | 2,956 | (235) | -7% | 3,563 | 3,418 |
| DIRECT EXPENSES: | | | | | | | |
| 50165 | CONFERENCE CALLS | 10 | 10 | - | 0% | - | - |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 70 | 70 | - | 0% | - | - |
| 58400 | PER MEMBER CHARGE | 1,407 | 1,390 | (17) | -1% | 1,348 | 1,667 |
| 58620 | MINI-CLE EXPENSE | 310 | 310 | - | 0% | - | 112 |
| TOTAL DIRECT EXPENSES | | 1,797 | 1,780 | (17) | -1% | 1,348 | 1,779 |
| NET INCOME (LOSS): | | 1,394 | 1,176 | (217) | -16% | 2,214 | 1,639 |
| NEW FUND BALANCE: | | 23,922 | 25,098 | 1,176 | 5% | 22,528 | 24,167 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|---------------------------|------------------------------|--------------------------------|------------------|----------------------------|----------------|--------------------------|--------------------------|---------------|
| SLB | LOW BONO SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 172 | - | (172) | -100% | 801 | - |
| | 41805 | MINI-CLE REVENUE | 2,200 | 2,660 | 460 | 21% | 945 | 2,415 |
| | 41875 | SEMINAR SPLITS W/ OTHERS | 1,000 | - | (1,000) | -100% | - | - |
| | 48200 | SECTION DUES REVENUE | 2,288 | 2,259 | (28) | -1% | 2,226 | 2,962 |
| | TOTAL REVENUE | | 5,659 | 4,919 | (740) | -13% | 3,971 | 5,377 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 165 | 177 | 12 | 7% | - | - |
| | 58125 | ANNUAL OR OTHER MEETING EXPENS | 2,000 | 1,000 | (1,000) | -50% | - | - |
| | 58150 | ATTENDANCE AT BOG MEETINGS | 100 | 100 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 100 | 200 | 100 | 100% | 126 | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 700 | 1,000 | 300 | 43% | 1,443 | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 500 | 500 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 1,407 | 1,390 | (17) | -1% | 1,332 | 1,830 |
| | 58500 | NEW LAWYER OUTREACH | 200 | 200 | - | 0% | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 200 | 200 | - | 0% | - | - |
| | 58600 | SECTION SPECIAL PROJECTS | 500 | 100 | (400) | -80% | - | - |
| | 58620 | MINI-CLE EXPENSE | 112 | 200 | 88 | 79% | 112 | 224 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 100 | - | (100) | -100% | - | - |
| | TOTAL DIRECT EXPENSES | | 6,084 | 5,067 | (1,017) | -17% | 3,013 | 2,054 |
| NET INCOME (LOSS): | | | (425) | (147) | 278 | -65% | 958 | 3,323 |
| NEW FUND BALANCE: | | | 18,573 | 18,426 | (147) | -1% | 18,997 | 22,320 |

**Washington State Bar Association
Section Budget Comparison**

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|-------------------------|---|------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|-----------------|
| SLE | LABOR & EMPLOYMENT LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 913 | - | (913) | -100% | 4,765 | - |
| | 41805 | MINI-CLE REVENUE | 300 | 300 | - | 0% | 1,405 | 570 |
| | 41850 | SEMINAR SPLITS W/ CLE | 20,250 | 20,250 | - | 0% | 22,052 | - |
| | 48200 | SECTION DUES REVENUE | 29,400 | 29,063 | (338) | -1% | 29,221 | 38,757 |
| | TOTAL REVENUE | | 50,863 | 49,613 | (1,250) | -2% | 57,443 | 39,327 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50070 | PRINTING & COPYING | 200 | 200 | - | 0% | - | - |
| | 50165 | CONFERENCE CALLS | 170 | 170 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 2,000 | 2,000 | - | 0% | 467 | - |
| | 58315 | HONORARIUM | 1,000 | 1,000 | - | 0% | - | - |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 15,000 | 10,000 | (5,000) | -33% | 9,557 | 12,114 |
| | 58400 | PER MEMBER CHARGE | 18,093 | 17,877 | (217) | -1% | 17,448 | 23,932 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 22,500 | 22,500 | - | 0% | 15,000 | 15,000 |
| | 58615 | LAW SCHOOL OUTREACH | 1,000 | 1,000 | - | 0% | 664 | 1,011 |
| | 58620 | MINI-CLE EXPENSE | 11,000 | 11,000 | - | 0% | 251 | 1,725 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 3,000 | 3,000 | - | 0% | 2,311 | 1,466 |
| | TOTAL DIRECT EXPENSES | | 73,963 | 68,747 | (5,217) | -7% | 45,697 | 55,248 |
| | NET INCOME (LOSS): | | (23,101) | (19,134) | 3,967 | -17% | 11,747 | (15,921) |
| | NEW FUND BALANCE: | | 92,966 | 73,832 | (19,134) | -21% | 116,067 | 100,146 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|---------------------------|------------------------------|--------------------------------|------------------|----------------------------|----------------|--------------------------|--------------------------|---------------|
| SLGBT | LGBT LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 102 | 102 | - | 0% | 545 | - |
| | 41805 | MINI-CLE REVENUE | 200 | 200 | - | 0% | 240 | - |
| | 48200 | SECTION DUES REVENUE | 3,300 | 3,300 | - | 0% | 3,062 | 4,411 |
| | TOTAL REVENUE | | 3,602 | 3,602 | - | 0% | 3,847 | 4,411 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 150 | 150 | - | 0% | - | - |
| | 58125 | ANNUAL OR OTHER MEETING EXPENS | 200 | 200 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 200 | 200 | - | 0% | - | - |
| | 58315 | HONORARIUM | 500 | 500 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 2,000 | 2,000 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 2,031 | 2,053 | 22 | 1% | 1,829 | 2,726 |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 500 | 500 | - | 0% | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 500 | 500 | - | 0% | - | - |
| | 58620 | MINI-CLE EXPENSE | 1,500 | 1,500 | - | 0% | 112 | - |
| | 58750 | SEMINAR SCHOLARSHIPS | 500 | 500 | - | 0% | - | - |
| | TOTAL DIRECT EXPENSES | | 8,081 | 8,103 | 22 | 0% | 1,941 | 2,726 |
| NET INCOME (LOSS): | | | (4,479) | (4,501) | (22) | 0% | 1,905 | 1,684 |
| NEW FUND BALANCE: | | | 9,074 | 4,573 | (4,501) | -50% | 13,553 | 15,238 |

**Washington State Bar Association
Section Budget Comparison**

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|---------------------------|------------------------------|--------------------------------|--------------------------|------------------------------------|-----------------|-----------------------------------|-----------------------------------|----------------|
| SLIT | LITIGATION SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 1,155 | - | (1,155) | -100% | 5,395 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 6,100 | 5,000 | (1,100) | -18% | 3,656 | - |
| | 48200 | SECTION DUES REVENUE | 29,265 | 29,029 | (236) | -1% | 29,530 | 38,763 |
| | TOTAL REVENUE | | 36,520 | 34,029 | (2,491) | -7% | 38,581 | 38,763 |
| DIRECT EXPENSES: | | | | | | | | |
| | 50165 | CONFERENCE CALLS | 170 | - | (170) | -100% | 17 | - |
| | 58175 | AWARDS | 1,500 | - | (1,500) | -100% | - | - |
| | 58200 | BREAKFAST/LUNCH/DINNER MTG EXP | 5,500 | 3,500 | (2,000) | -36% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 12,750 | 9,500 | (3,250) | -25% | 2,430 | 7,441 |
| | 58325 | LDSHIP/PROF DEVELOP/RETREATS | 520 | - | (520) | -100% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 1,000 | 750 | (250) | -25% | - | - |
| | 58400 | PER MEMBER CHARGE | 17,998 | 17,853 | (145) | -1% | 17,642 | 23,936 |
| | 58500 | NEW LAWYER OUTREACH | 600 | 500 | (100) | -17% | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 6,000 | 6,000 | - | 0% | - | 6,000 |
| | 58615 | LAW SCHOOL OUTREACH | 1,500 | 700 | (800) | -53% | - | - |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 750 | 500 | (250) | -33% | - | - |
| | TOTAL DIRECT EXPENSES | | 48,288 | 39,303 | (8,985) | -19% | 20,088 | 37,377 |
| NET INCOME (LOSS): | | | (11,768) | (5,274) | 6,494 | -55% | 18,493 | 1,386 |
| NEW FUND BALANCE: | | | 122,226 | 116,952 | (5,274) | -4% | 133,994 | 135,380 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 | FY2025 | FY23 vs FY24 | % Change | FY2023 | FY2024 |
|------------------------------|--------------------------------|-------------------|----------------|---------------------|-----------------|----------------|----------------|
| | | Reforecast | Budget | Comparison | | Actuals | Actuals |
| | | | | | | YTD | YTD |
| SSEN | SENIOR LAWYERS SECTION | | | | | | |
| REVENUE: | | | | | | | |
| 40500 | INTEREST - INVESTMENTS | 166 | - | (166) | -100% | 617 | - |
| 41805 | MINI-CLE REVENUE | 2,850 | - | (2,850) | -100% | - | - |
| 48200 | SECTION DUES REVENUE | 5,606 | 5,902 | 295 | 5% | 5,299 | 8,041 |
| TOTAL REVENUE | | 8,622 | 5,902 | (2,721) | -32% | 5,916 | 8,041 |
| DIRECT EXPENSES: | | | | | | | |
| 50165 | CONFERENCE CALLS | 150 | 150 | - | 0% | - | - |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 230 | 230 | - | 0% | 50 | - |
| 58350 | MEMBERSHIP & RECRUITING EXP | 610 | 610 | - | 0% | - | - |
| 58375 | NEWSLETTER/PUBLICATION EXPENSE | 4,000 | 4,500 | 500 | 13% | 3,997 | 2,465 |
| 58400 | PER MEMBER CHARGE | 4,141 | 4,356 | 215 | 5% | 3,802 | 5,969 |
| TOTAL DIRECT EXPENSES | | 9,131 | 9,846 | 715 | 8% | 7,849 | 8,434 |
| NET INCOME (LOSS): | | (509) | (3,945) | (3,436) | 676% | (1,933) | (392) |
| NEW FUND BALANCE: | | 12,787 | 8,842 | (3,945) | -31% | 13,295 | 12,903 |

Washington State Bar Association
Section Budget Comparison

| FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|----------------------|------------------|----------------------------|----------|--------------------------|--------------------------|
|----------------------|------------------|----------------------------|----------|--------------------------|--------------------------|

SSSP SOLO & SMALL PRACTICE SECTION

REVENUE:

| | | | | | | | |
|----------------------|------------------------|---------------|---------------|------------|-----------|---------------|---------------|
| 40500 | INTEREST - INVESTMENTS | 989 | - | (989) | -100% | 4,538 | - |
| 41805 | MINI-CLE REVENUE | 5,000 | 5,000 | - | 0% | 5,405 | 2,975 |
| 48200 | SECTION DUES REVENUE | 31,500 | 32,813 | 1,313 | 4% | 30,032 | 39,166 |
| TOTAL REVENUE | | 37,489 | 37,813 | 323 | 1% | 39,975 | 42,141 |

DIRECT EXPENSES:

| | | | | | | | |
|------------------------------|------------------------------|---------------|---------------|--------------|------------|---------------|---------------|
| 50165 | CONFERENCE CALLS | 200 | 200 | - | 0% | 101 | 212 |
| 58150 | ATTENDANCE AT BOG MEETINGS | 100 | 100 | - | 0% | - | - |
| 58300 | EXECUTIVE COMMITTEE EXPENSES | 300 | 300 | - | 0% | - | - |
| 58325 | LDSHIP/PROF DEVELOP/RETREATS | 5,000 | 6,500 | 1,500 | 30% | 4,078 | 7,296 |
| 58350 | MEMBERSHIP & RECRUITING EXP | 5,000 | 8,000 | 3,000 | 60% | 4,521 | 6,412 |
| 58400 | PER MEMBER CHARGE | 16,616 | 17,300 | 683 | 4% | 15,444 | 20,750 |
| 58600 | SECTION SPECIAL PROJECTS | 2,000 | 2,000 | - | 0% | 1,500 | - |
| 58620 | MINI-CLE EXPENSE | 3,000 | 3,000 | - | 0% | 1,060 | 448 |
| 58625 | SEMINAR EXPENSE - SECTIONS | 5,000 | 5,500 | 500 | 10% | (2,677) | 8,000 |
| 58675 | WEBSITE EXPENSES | 5,000 | 7,000 | 2,000 | 40% | 111 | - |
| 58750 | SEMINAR SCHOLARSHIPS | 3,000 | 3,000 | - | 0% | 2,438 | - |
| TOTAL DIRECT EXPENSES | | 45,216 | 52,900 | 7,683 | 17% | 26,575 | 43,119 |

| | | | | | | | |
|---------------------------|--|----------------|-----------------|----------------|------------|---------------|--------------|
| NET INCOME (LOSS): | | (7,727) | (15,087) | (7,360) | 95% | 13,400 | (978) |
|---------------------------|--|----------------|-----------------|----------------|------------|---------------|--------------|

| | | | | | | | |
|--------------------------|--|----------------|---------------|-----------------|-------------|----------------|----------------|
| NEW FUND BALANCE: | | 103,919 | 88,832 | (15,087) | -15% | 111,646 | 110,668 |
|--------------------------|--|----------------|---------------|-----------------|-------------|----------------|----------------|

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD |
|-------------------------|--------------------------------------|----------------------|------------------|----------------------------|--------------|--------------------------|--------------------------|
| STAX | TAXATION SECTION | | | | | | |
| REVENUE: | | | | | | | |
| | 40500 INTEREST - INVESTMENTS | 200 | 200 | 0 | 0% | 1,339 | - |
| | 41500 ANNUAL OR OTHER MEETING REV | 4,320 | 5,575 | 1,255 | 29% | 4,320 | 4,710 |
| | 41805 MINI-CLE REVENUE | 500 | - | (500) | -100% | 160 | - |
| | 48200 SECTION DUES REVENUE | 12,190 | 17,673 | 5,483 | 45% | 12,104 | 16,133 |
| | TOTAL REVENUE | 17,210 | 23,448 | 6,238 | 36% | 17,923 | 20,843 |
| DIRECT EXPENSES: | | | | | | | |
| | 50165 CONFERENCE CALLS | 100 | - | (100) | -100% | - | - |
| | 58125 ANNUAL OR OTHER MEETING EXPENS | 9,000 | 13,500 | 4,500 | 50% | 6,077 | 12,812 |
| | 58175 AWARDS | 400 | 850 | 450 | 113% | 619 | 205 |
| | 58300 EXECUTIVE COMMITTEE EXPENSES | 2,000 | 500 | (1,500) | -75% | - | - |
| | 58350 MEMBERSHIP & RECRUITING EXP | 1,500 | - | (1,500) | -100% | - | - |
| | 58375 NEWSLETTER/PUBLICATION EXPENSE | 1,500 | 150 | (1,350) | -90% | - | - |
| | 58400 PER MEMBER CHARGE | 11,249 | 11,807 | 557 | 5% | 10,845 | 14,947 |
| | 58450 RECEPTION/FORUM EXPENSE | 4,500 | 1,500 | (3,000) | -67% | 1,306 | - |
| | 58525 SCHOLARSHIPS/DONATIONS/GRANT | 9,000 | 4,500 | (4,500) | -50% | 5,547 | - |
| | 58600 SECTION SPECIAL PROJECTS | 6,000 | - | (6,000) | -100% | 150 | - |
| | 58620 MINI-CLE EXPENSE | 500 | 500 | - | 0% | 112 | - |
| | 58625 SEMINAR EXPENSE - SECTIONS | 4,000 | 1,000 | (3,000) | -75% | - | - |
| | TOTAL DIRECT EXPENSES | 49,749 | 34,307 | (15,443) | -31% | 24,654 | 27,963 |
| | NET INCOME (LOSS): | (32,539) | (10,859) | 21,680 | -67% | (6,731) | (7,120) |
| | **CARRIED FORWARD UNUSED FULL BUDGET | | 15,937 | | | | |
| | NEW FUND BALANCE: | (4,937) | 140 | 5,078 | -103% | 27,602 | 20,482 |

Washington State Bar Association
Section Budget Comparison

| | | FY2024 Reforecast | FY2025 Budget | FY23 vs FY24 Comparison | % Change | FY2023 Actuals YTD | FY2024 Actuals YTD | |
|---------------------------|--|------------------------------|------------------|----------------------------|----------------|--------------------------|--------------------------|---------------|
| SWP | WORLD PEACE THROUGH LAW SECTION | | | | | | | |
| REVENUE: | | | | | | | | |
| | 40500 | INTEREST - INVESTMENTS | 228 | - | (228) | -100% | 1,183 | - |
| | 41850 | SEMINAR SPLITS W/ CLE | 900 | - | (900) | -100% | 2,767 | - |
| | 48200 | SECTION DUES REVENUE | 3,499 | 3,087 | (412) | -12% | 3,842 | 4,046 |
| | | TOTAL REVENUE | 4,627 | 3,087 | (1,540) | -33% | 7,791 | 4,046 |
| DIRECT EXPENSES: | | | | | | | | |
| | 58175 | AWARDS | 500 | 500 | - | 0% | - | - |
| | 58300 | EXECUTIVE COMMITTEE EXPENSES | 150 | 150 | - | 0% | - | - |
| | 58350 | MEMBERSHIP & RECRUITING EXP | 1,000 | 1,000 | - | 0% | - | - |
| | 58400 | PER MEMBER CHARGE | 2,466 | 2,249 | (217) | -9% | 2,296 | 2,825 |
| | 58450 | RECEPTION/FORUM EXPENSE | 500 | 500 | - | 0% | - | - |
| | 58500 | NEW LAWYER OUTREACH | 520 | 520 | - | 0% | - | - |
| | 58525 | SCHOLARSHIPS/DONATIONS/GRANT | 3,000 | 3,000 | - | 0% | 250 | - |
| | 58600 | SECTION SPECIAL PROJECTS | 200 | 200 | - | 0% | - | - |
| | 58615 | LAW SCHOOL OUTREACH | 100 | 100 | - | 0% | - | - |
| | 58620 | MINI-CLE EXPENSE | 1,880 | 1,560 | (320) | -17% | 950 | 926 |
| | 58625 | SEMINAR EXPENSE - SECTIONS | 1,500 | 1,500 | - | 0% | - | - |
| | | TOTAL DIRECT EXPENSES | 11,816 | 11,279 | (537) | -5% | 3,496 | 3,751 |
| NET INCOME (LOSS): | | | (7,189) | (8,192) | (1,003) | 14% | 4,296 | 294 |
| NEW FUND BALANCE: | | | 22,309 | 14,117 | (8,192) | -37% | 29,498 | 29,792 |

ATTACHMENT E

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA President, President-elect, Board of Governors, Executive Director

FROM:

SUBJECT: Request for Change in Section Member Dues in 2025

DATE: _____

The _____ Section requests your approval to change
(increase

or decrease) our section member dues from \$ _____ to \$ _____ effective January 1, 2025.

The new amount has been included in our budget for the 2025 fiscal year which begins October 1, 2024.

Reason for request to change dues:

ATTACHMENT F

**2025 WSBA BUDGET WORKSHEET
CAPITAL BUDGET**

| | COST CENTER | UNIT COST | QTY | AMOUNT | USEFUL LIFE (YRS) | ESTIMATED IN SERVICE DATE | ANNUAL DEPRECIATION EXPENSE | BUDGET FY 2025 |
|---|--------------------|------------------|------------|----------------|--------------------------|----------------------------------|------------------------------------|-----------------------|
| Capital Labor (WSBA Developer Resources) | | | | | | | | |
| Law Clerk Database | CLERK | 60,000 | 1 | 60,000 | 5 | Feb-25 | 18,006 | 12,004 |
| Other development projects as needed | TBD | 15,000 | | 15,000 | TBD | TBD | TBD | TBD |
| Total | | 75,000 | | 75,000 | | | 18,006 | 12,004 |
| Capital Hardware (General Indirects): | | | | | | | | |
| Hardware replacements | INDIRECT | 40,000 | 1 | 40,000 | 3 | Oct-24 | 13,333 | 13,333 |
| Total | | | | 40,000 | | | 13,333 | 13,333 |
| Leasehold Improvements (General Indirects) | | | | | | | | |
| Security System Upgrade | INDIRECT | 15,000 | 1 | 15,000 | 10 | Jan-25 | 1,125 | 1,125 |
| Office Space Move/Downsizing Contingency | INDIRECT | 10,000 | 1 | 10,000 | 10 | Jan-25 | 750 | 750 |
| Total | | | | 25,000 | | | 1,875 | 1,875 |
| GRAND TOTAL | | | | 140,000 | | | 33,214 | 27,212 |

ATTACHMENT G

WSBA BUDGET GLOSSARY

Accrual Basis: The basis of accounting whereby revenues are recognized when earned and measurable regardless of when collected; and expenses are recorded when incurred.

Capital Asset: Washington State Bar Association (WSBA) fiscal policies identify this as an item that costs over \$2,500 and has a useful life of over 1 year. Capital assets are depreciated over their identified useful life.

Capital Budget: The capital budget forecasts capital asset purchases and capital labor hours anticipated in the coming fiscal year. It reflects the total cash outlay for the organization to purchase or develop assets that are depreciated over the life of the asset. This is reflected in the annual budget as depreciation expense. The Board of Governors reviews and approves the final capital budget, with the entire WSBA budget, at its last meeting of the fiscal year (September).

Capital Labor: Work performed by WSBA employees to develop internally used software systems. Employee hours spent developing software is considered a capital asset and the cost of the labor is depreciated over the useful life of the asset.

Cash Basis: The basis for accounting whereby revenues are recorded only when received and expenses are recorded only when paid, without regard to the period in which they were earned or incurred.

Cost Center: A unit within WSBA that reflects a program or resource. WSBA's financial activities are reported by cost center, meaning both revenue and expenses are included under the financial report for each identified cost center. WSBA has a total of 72 cost centers (29 of which are individual Sections). For a description of WSBA's cost centers, see the [FY24 Budget](#), which includes narrative descriptions on pages 6 through 15.

Department: A division within WSBA that outlines a specific area of activity. WSBA has 9 departments: Advancement, Finance, Human Resources, Information Technology, Office of Disciplinary Counsel, Office of the Executive Director, Office of General Counsel, and Regulatory Services.

Depreciation: The portion of the cost of a capital asset representing the value used over time, due in part to wear and tear, deterioration, and obsolescence, which is reflected as an expense during a particular period. Depreciation is calculated based on the cost of the capital asset divided by its estimated useful life. WSBA calculates depreciation monthly.

Expenses:

Direct: Expenses that are directly related to the support of a specific program or function of the WSBA. Examples include committee expenses or venue costs for putting on an event.

Indirect: Expenses that benefit the whole organization and are considered the basic cost of doing business. Examples include salaries, benefits, payroll taxes, rent, telephone, insurance, legal advice, auditing services, computer equipment, etc. There are numerous ways to allocate common expenses; however, the method chosen must be meaningful, reasonable, accurate, and consistently applied. Generally speaking, WSBA allocates costs based on the staff that are assigned to perform work within each cost center. The allocation of staff time to a cost center can range anywhere from 1-100% and many employees are allocated across multiple cost centers.

Fiscal Year: A 12-month accounting period that may not coincide with the calendar year. The WSBA's fiscal year is from October 1st to September 30th.

FTE: Full-time Equivalent position term is used to describe staffing positions. One FTE is based on 2,080 work hours in a 12-month year. WSBA has employees ranging from 0.5 FTE to 1.0 FTE.

Fund Accounting: An accounting method that is used to track the amount of money allocated to various operations at an organization. WSBA's fiscal policies outline four distinct funds:

General Fund: Houses the majority of WSBA's operations and is funded primarily by license fees. The General Fund comprises of 39 cost centers and the majority of WSBA's FTEs. WSBA's General Fund Reserves are used to support this fund (see "Reserves").

Client Protection Fund: In 1995, the Washington State Supreme Court and the WSBA created the Client Protection Fund (CPF). The purpose of this restricted fund is to relieve or mitigate a loss sustained by any person due to the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA in connection with the member's practice of law, or while acting as a fiduciary in a matter related to the member's practice of law. The CPF fund receives a mandatory annual assessment from each active lawyer, LLLT, and pro hac vice member of the WSBA. This fund reflects the financial activity for the CPF (1 cost center) and is supported by the CPF reserve fund.

Continuing Legal Education Fund: The fund includes financial activity for 3 cost centers: CLE Products, CLE Seminars, and Deskbooks, and the fund is supported by the CLE Reserve Fund.

Sections Funds: The total difference between revenues, and direct and indirect expenses, for all Sections each year are designated as Section funds. Separate ledgers are maintained for each Section, making up the total for the Section funds.

Fund Balance: The fund balances, or net assets, of the WSBA are the difference between assets and liabilities. Fund balances are either unrestricted or restricted. The Board of Governors may designate, and has designated, portions of the WSBA's unrestricted fund balance for specific purposes. Annually during the budgeting process, the Budget & Audit Committee shall review all fund balances, determine if funds allocated to the various reserves should be adjusted while taking into account the goals and purposes of each fund, and make any recommendations for adjustments to the Board of Governors.

Membership Year: WSBA members are licensed on an annual basis, which is a calendar year beginning January 1st through December 31st.

Per-Member Charge: An amount charged for each Section membership to reimburse WSBA for the cost of administering Sections, which includes salaries, benefits, payroll taxes, overhead, and direct expenses. The Section Per-Member Charge (PMC) is calculated as part of the WSBA annual budget process and is based on the first draft of the fiscal year budget.

Net Income: Funds remaining after subtracting expenses from revenue. These funds are then added to the corresponding reserve fund as they are accumulated.

Net Loss: Funds needed after subtracting expenses from revenue. These funds are subtracted from the corresponding reserve fund as they are used.

Reserves: Funds set aside and/or accumulated over time from excess net income to support an identified or unanticipated future funding need. The WSBA Board of Governors creates and designates reserve funds, which can be unrestricted or restricted. All funds except one (Client Protection Fund) are unrestricted.

General Fund Reserves:

Operating- established to cover unanticipated expenses in the event of an emergency.

Facilities- established to support future facilities needs such as an office move or refurbishment of existing office space or preparation for the purchase of operational real estate.

Special Projects & Innovation- established to provide funding for the development of new and innovative programs, projects or products that support and advance the mission of the WSBA.

License Fee Stability- established to assist with stabilization of license fees over time. The fund may be used to offset revenue shortages during a budget cycle in lieu of raising license fees.

Unrestricted- This is the cumulative balance of net assets from General Fund operations not otherwise restricted or designated to any other fund.

Continuing Legal Education Reserve: This reserve serves as an operating reserve in the event WSBA CLE suffers an unanticipated financial loss. The CLE reserve is funded by the annual operating income of the Deskbooks, CLE Seminars, and Products operations. Reserves may be used to cover any net loss, extraordinary costs, or technology upgrades.

Client Protection Fund Reserves: This reserve serves as an operating reserve for the CPF fund. Annual net income or losses for the fund accumulated from year-to-year results in the CPF restricted fund balance.

Sections Funds Reserves: An operating reserve fund for the WSBA sections, consisting of the cumulative balance of net assets/reserves of all sections.

Useful Life: The estimated amount of time an asset will remain in service and provide financial value.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
 From: Budget and Audit Committee
 Date: August 9, 2024
 Re: General Fund Reserve and Fiscal Policy Recommendations

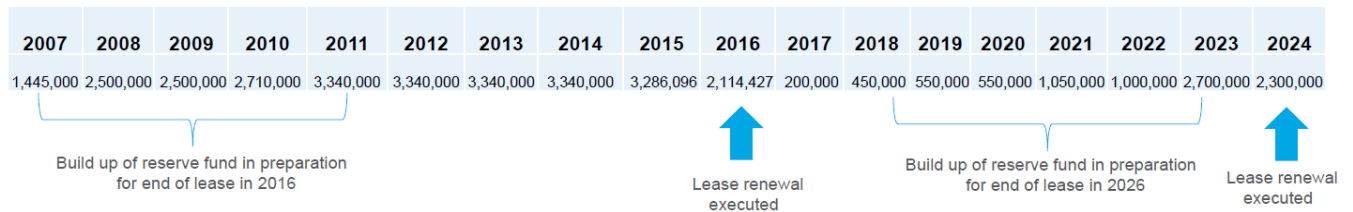
- ACTION:** Approve the following reallocation of WSBA reserve funds and revisions to fiscal policies:
- 1) \$2.3M from Facilities Reserve Fund to Unrestricted Reserves
 - 2) Revision to Facilities Reserve fiscal policies language (*redline provided in attachment*)
 - 3) \$400,000 to the Special Projects and Innovation Fund from Unrestricted Reserves
 - 4) \$500,000 to the Operating Reserve Fund from Unrestricted Reserves

At their August 9, 2024 meeting, the Budget and Audit Committee approved for recommendation the three reallocations of reserve funds proposed. The General Fund reserves are designated by the Board of Governors in WSBA Fiscal Policies and Procedures, and fund balances are reviewed at least annually. As events arise, recommendations are made to adjust the balances. Board established funds include the Operating, Facilities, License Fee Stability, Special Projects and Innovation, and Unrestricted Reserves.

Facilities Reserve Fund

The Facilities Advisory Subcommittee is responsible for making WSBA facilities strategy and reserves balances recommendations to the Budget and Audit Committee. As part of the workplan for FY24, the Subcommittee supported negotiations for the downsizing of WSBA’s office space at Puget Sound Plaza under a new lease, effective September 1, 2024. In addition to securing the lease, approval for use of \$400,000 of the total \$2.7 million in the Facilities Reserve was also approved for this project.

Per WSBA fiscal policies, the Facilities Reserve Fund was established to support future facilities needs such as an office move or refurbishment of existing office space or preparation for the purchase of operational real estate. The value of the fund has historically fluctuated based on the remaining lease term. Below reflects the historical balance of the reserve aligned with WSBA’s office lease terms:



At their June 27, 2024 meeting, the Subcommittee discussed the purpose and future needs for the Facilities Reserve fund. They discussed estimated costs for future office space options, historical decisions about the

reserve balance and debated whether or not any funds were needed to be kept in the reserve immediately after executing a long-term lease. The Subcommittee approved a motion to transfer the remaining balance of \$2.3 million from the Facilities Reserve Fund to Unrestricted Reserves. The Budget and Audit Committee approved this recommendation unanimously in August, along with redlined fiscal policy revisions to update language requiring a minimum balance in the Facilities Reserve and reference to lease termination in December 2026 (see attachment).

Special Projects and Innovation Fund

The Special Projects and Innovation Fund was established in September 2022 to provide funding for the development of new and innovative programs, projects or products that support and advance the mission of the WSBA. The current balance of this fund is \$0 (it was established with no amount designated at the time).

In developing the FY25 budget, a new cost center titled "Regulatory Reform" was created, with a budgeted expense of \$199,874 (\$42,000 direct, \$157,374 indirect). The goal of this cost center is to capture direct and indirect expenses related to the development and implementation of processes to address approved recommendations for alternative pathways to licensure. Additionally, we are also working on defining the workload for the pilot project for entity regulation. Given the complex nature of the project, it will require additional time to determine cost not currently included in the Regulatory Reform cost center. We do expect staff time from multiple departments to be needed, and there is a possibility of direct expenses.

The work performed for both alternative pathways to licensure and pilot project for entity regulation is temporary in nature and consistent with the purpose of the Special Projects and Innovation reserve fund. The Budget and Audit Committee approved the recommendation unanimously in August to establish the Special Projects and Innovation fund at \$400,000, with funds to be reallocated from the Unrestricted Reserves.

Operating Reserve Fund

The Operating Reserve Fund was established to cover unanticipated expenses in the event of an emergency. In September 2022, the Operating Reserve Fund was increased to \$2.0 million. It is expected that each year WSBA's operating expenses increase and after reviewing our current spending patterns, we have determined that an increase to the Operating Reserve Fund is appropriate. The Budget and Audit Committee approved the recommendation in August to increase the Operating Reserve fund by \$500,000 with funds to be reallocated from the Unrestricted Reserve.

Chapter 4: Fund Balance

The fund balances, or net assets, of the Washington State Bar Association (WSBA) are the difference between assets and liabilities. Fund balances are either unrestricted or restricted. The Board of Governors may designate, and has designated, portions of the WSBA's unrestricted fund balance for specific purposes. Annually during the budgeting process, the Budget & Audit Committee shall review all fund balances, determine if funds allocated to the various reserves should be adjusted taking into account the goals and purposes of each fund, and make any recommendations for adjustments to the Board of Governors.

UNRESTRICTED RESERVES

GENERAL FUND RESERVES

The General Fund supports the majority of the WSBA's work, including regulatory functions and most services to members and the public. General Fund reserves are funded by the annual operating income of the WSBA. Use of the General Fund reserves is approved by the Board of Governors, usually planned as part of the annual budget, and is reflected in any annual net loss incurred by the WSBA.

It is fiscally prudent to maintain reserves to support operations in the event that an unanticipated loss occurs. Therefore, unless recommended by the Budget & Audit Committee and approved by the Board of Governors, the total value of the General Fund Reserves shall not fall below \$2 million dollars.

- 1. Operating Reserve Fund.** The Operating Reserve Fund is a board-designated fund established to cover unanticipated expenses in the event of an emergency. As of September 2022, the Operating Reserve Fund shall be \$2.0 million. Any use of this fund shall be recommended by the Budget and Audit Committee and approved by the Board of Governors.

- 2. Facilities Reserve Fund**

The Facilities Reserve Fund is a board-designated fund established to support future facilities needs such as an office move or refurbishment of existing office space or preparation for the purchase of operational real estate. ~~The minimum balance of this fund shall be \$1.0 million.~~ It is expected that the fund's value will increase as the WSBA gets closer to lease completion ~~at the end of December 2026.~~ To determine the level of reserve funds needed for a future move or refurbishment, the Budget and Audit Committee shall seek the guidance of the Facilities Subcommittee of the Budget and Audit Committee to assist in setting the facilities reserve fund balance goal no later than 5 years prior to the end of the WSBA's lease.

- 3. License Fee Stability Fund**

The License Fee Stability Fund is a board-designated fund established to assist with stabilization of license fees over time. The fund may be used to offset revenue shortages during a budget cycle in lieu of raising license fees. Any usage of the fund should be designated in the budget and approved by the Board of Governors. The minimum balance of this fund shall be determined annually. The Executive Director will work with Budget and Audit to prepare a recommendation to the Board of Governors.

4. Special Projects and Innovation Fund

The Special Projects and Innovation Fund is a board-designated fund established to provide funding for the development of new and innovative programs, projects or products that support and advance the mission of the WSBA. The minimum balance of the fund shall be determined annually. The Executive Director will work with Budget and Audit to prepare a recommendation to the Board of Governors.

5. Unrestricted General Fund Balance

This is the cumulative balance of net assets from General Fund operations not otherwise restricted or designated to any other fund.

CONTINUING LEGAL EDUCATION (CLE) RESERVE FUND

The CLE Reserve Fund is a board-designated fund that serves as an operating reserve in the event CLE suffers an unanticipated financial loss. The CLE reserve is funded by the annual operating income of the CLE Seminars and Products operations. Reserves may be used to cover any net loss or extraordinary costs or technology upgrades. The CLE Fund shall remain a part of the WSBA assets and, as such, is subject to the superintendence and control of the Board of Governors.

SECTIONS FUND

The Sections Fund is a board-designated operating reserve fund for the WSBA sections, consisting of the cumulative balance of net assets of all sections. Separate ledgers will be maintained for each section, making up the total for the Section Fund.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Kari Petrasek, Chair, Member Status Workgroup
Renata Garcia, Chief Regulatory Counsel
DATE: August 13, 2024
RE: Recommendations and Proposed Amendments to WSBA Bylaws from the Member Status Workgroup

DISCUSSION/FIRST READ: A discussion of recommendations from the Member Status Workgroup and a first read of proposed amendments to the WSBA Bylaws to implement the recommended changes to member license statuses.

Over the last several years, WSBA members have raised concerns about the license status options available to them when leaving the practice of law. Primarily, the concerns have focused on voluntary resignation as the final status for someone who no longer wants to be a member of the Bar. Some members believe it has negative connotations and suggest a retired status instead. Other members believe inactive status is too limiting in regards to participation in Bar activities, and still others believe 50 years is too many years to attain honorary status. In order to fully address these concerns, the Board of Governors formed the Member Status Workgroup “to evaluate license status options currently available to WSBA members who are leaving the legal profession and to propose revisions to current license status options... .” The Member Status Workgroup charter is attached.

The Member Status Workgroup (“Workgroup”) presents its recommendations to address member concerns which include:

1. Giving members the option to have their voluntary resignation from the WSBA displayed on the legal directory as either voluntarily resigned or retired;
2. Decreasing the number of years on active or judicial status to qualify for honorary status from 50 to 40;
3. Allowing members to include years licensed as active or judicial in another jurisdiction to count toward the 40 years required for honorary status;
4. Allowing inactive and honorary members to volunteer on WSBA committees, boards, panels, councils, and task forces;
5. Allowing members who are age 65 or more, or who have been licensed for 40 years or more in any U.S. jurisdiction, to be on judicial status for pro tempore judicial positions;
6. Providing a hardship reduction of the active license fee for members who are age 65 or more, or who have been licensed for 40 years or more in any U.S. jurisdiction, and have a gross annual household income equal to or less than 400% of the federal poverty level.

The Workgroup believes these recommendations:

1. address the most common concerns of members retiring or otherwise leaving the practice of law;
2. have a small financial impact year-over-year on the WSBA budget despite a somewhat sizeable but acceptable one-time impact upon implementation;
3. create less confusion for members by essentially maintaining the current license status options;

4. protect the public and, as is currently the case, make clear only active or pro bono members may practice law.

Background

The issue of member license status options came to the Board of Governor's attention through largely anecdotal communications from members to governors, WSBA staff, and others. Members regularly seek information about the status options available to them when they retire or when they otherwise are leaving the practice of law. Members comments generally reflect that the current license status options do not adequately meet their needs or recognize their long careers or contributions to the legal profession or the state of Washington.

To better understand member concerns it is important to understand the current license status options available to members.

Current License Status Options

- **Active:** Generally, only active members are allowed to engage in the practice of law. In addition, only active members enjoy all the benefits and privileges of Bar membership.
- **Pro Bono:** The one exception for engaging in the practice of law is for pro bono members who are allowed to practice law as a volunteer for a Qualified Legal Services Provider (QLSP) only.

In contrast, members in the following statuses are not permitted to practice law:

- **Inactive:** Briefly, inactive status is intended for members who are either taking a break from the practice of law with the intention to return to active status or they are no longer practicing in Washington but want to remain a member of the WSBA. Inactive members pay a \$200 annual license fee.
- **Honorary:** Honorary status is the same as inactive status except there is no license fee. Only members who have 50 years of active or judicial status as a WSBA member qualify for honorary status.
- **Judicial:** Judicial status is for members who hold a judicial position (as defined in the Bylaws). Pro tempore positions do not qualify. Members who hold a judicial position are not required to be on judicial status; they may choose to remain on active status which some do either because they are able to practice law in addition to the position they hold or they want to be able to volunteer or serve on WSBA entities or vote on WSBA matters. Judicial members pay a \$50 annual license fee.

A simplified summary of the current license status options is listed in the table below.

| CURRENT LICENSE STATUSES | ACTIVE | PRO BONO | JUDICIAL | INACTIVE | HONORARY | RESIGNED |
|--|------------|--|---|--------------|---------------------|--------------|
| License Fee | \$458 +CPF | \$200/\$0* | \$50 | \$200 | \$0 | Not a Member |
| Eligibility Criteria, if any | | Volunteer | Not Pro Tempore | | 50+ Active/Judicial | |
| MCLE Requirements | ✓ | x | x | x | x | x |
| Licensed to Practice Law | ✓ | ✓QLSP Only | As permitted under CJC | x | x | x |
| Ethics Line | ✓ | ✓ | | | | |
| Bar News | ✓ | if requested | ✓ | if requested | if requested | |
| Join sections as a voting member | ✓ | ✓ | x | when allowed | when allowed | |
| Join sections as a non-voting member | ✓ | ✓ | when allowed | when allowed | when allowed | |
| Serve on WSBA Committees, Boards, Panels, Councils and Task Forces | ✓ | Task force, council, institute of the bar, PBPSC | Task force, council, institute of the bar | | | |
| Serve on Supreme Court Boards and Task Forces | ✓ | when allowed | when allowed | | | |
| Serve on the Board of Governors | ✓ | | | | | |
| Vote for governors and on referenda | ✓ | | | | | |

* The license fee will be waived for pro bono status members who completed at least 30 hours of pro bono service with one or more Qualified Legal Services Provider(s) in the prior year.

When a member no longer wishes to be a member of the WSBA they may voluntarily resign.¹

Other Mandatory Bar Associations

The Workgroup gathered information about license status options available in other U.S. jurisdictions with mandatory bar associations. Most jurisdictions had a similar basic structure with statuses similar to active, inactive, pro bono, honorary and resigned. However, the eligibility for the different statuses, the amount of the license fees, and the names of the statuses vary greatly among jurisdictions. In the end, the Workgroup did not find the information from other jurisdictions particularly helpful. In light of the great variety in member statuses across U.S. mandatory bar associations, the Workgroup did, however, come to the conclusion that it should focus on what would best benefit WSBA members.

To best determine whether the current license status options available to members leaving the profession meet their needs, the Workgroup sought input from the WSBA membership via an online survey. Responses to the member survey clearly supported the creation of a “retired” license status. Over 60% of the 805 respondents indicated they would like an alternative to “voluntary resignation” that best describes and dignifies those who are exiting the profession after a long career. A subset of the respondents who advocated for a “retired” status wanted to be able to practice law while on a “retired” status. More specifically, about 20% of respondents indicated they would like the ability to retire while being able to engage in bar activities, provide pro bono services, and give legal advice to family and friends. The Workgroup also heard from several members that 50 years was too long for honorary status, retirement age lawyers should qualify for judicial status for pro tempore judicial positions, and, finally, there should be a senior member discount.

Evaluation of Options Rejected by Workgroup

¹ Other statuses, which members cannot choose but may be imposed on their license under the APR or ELC, are: disability inactive, suspended, resigned in lieu of discipline, and disbarred. These statuses are outside the scope of the Workgroup.

The Workgroup identified significant risks, financial impacts, and other issues arising from the various ideas and suggestions when evaluating different options. Options the Workgroup considered but rejected are discussed briefly below.

Retired with Limited Practice. One of the first options the Workgroup considered was having some kind of retired status that would allow retired members to give legal advice to their family or friends. Giving legal advice is the practice of law even if the recipients are family or friends which means they deserve the same protections all other members of the public are entitled to. That might include maintaining competence by completing MCLE, maintaining professional liability insurance, or paying assessments to support the Client Protection Fund. In addition, the Workgroup believes that a member who wants or needs to practice law should be on active status and pay the active license fee for that privilege and to cover the necessary costs associated with operating a mandatory bar association. In the end, the Workgroup decided most retired members would not be interested in maintaining continuing license requirements to provide limited legal advice to family and friends and that the risk to the public was too great.

Senior Member Discount. Another popular suggestion was to have a reduced license fee for senior members, based solely on age or years licensed. Some other jurisdictions have a reduced license fee for senior members; however, the qualifications to receive the reduction, the privileges the member is able to engage in, and the name of the status vary greatly across jurisdictions. For purposes of this evaluation, the Workgroup considered a reduced license fee for all active lawyers based on a certain age or years licensed. The financial impact of this option was considerable. As an example, there are currently about 2,926 lawyers aged 70+ or licensed 45+ years. If the license fee were reduced to \$200 for all of these members, the financial impact would be \$754,908 ($\$258 \times 2,926$). Although the Workgroup rejected this option, the Workgroup believes a license fee reduction is appropriate in certain situations and that recognition of a long career in the law is also appropriate. See recommendations below for the hardship license fee reduction and changes to honorary status.

Evaluation of Recommendations

Retired Status Label. The primary impetus for this Workgroup was requests by members for a retired status. As noted above, some members shared that “voluntarily resigned” has a negative connotation or does not appropriately describe their situation when they retire from practice. When a member voluntarily resigns from the WSBA, the individual is no longer a member of the Bar. Although retired is appropriate in many cases when someone is retiring from a long career in the law, it might not be appropriate in cases where a member is moving out-of-state to practice elsewhere and they do not want to appear as retired because they are practicing elsewhere. It would be problematic to have two statuses that mean the same thing, especially considering status information is also provided to the Administrative Office of the Courts for entry into the various state court computer databases. Accordingly, the Workgroup believes the best option is to maintain voluntarily resigned as the official status but allow members to choose how they would like that status to be displayed on the online legal directory: Voluntarily Resigned or Retired. This is a fairly insignificant change administratively for the WSBA, but will have a large positive impact on its members. No expected financial impact as we do not expect members to resign simply because they can now display the status as retired.

Allow Volunteering by Inactive and Honorary Members. Another fairly insignificant change administratively for the WSBA but with a positive member impact is to allow members on inactive or honorary status to volunteer for WSBA committees, boards, panels, councils, and task forces. We heard from members who would like to stay active in Bar business and volunteer but do not want to pay the active license fee and comply with MCLE for the

privilege. The Workgroup believes it would be valuable to have highly experienced professionals serve as volunteers on WSBA committees and boards. All volunteers need to submit applications for consideration thereby allowing WSBA entities to evaluate whether an inactive or honorary member would be a viable candidate based on its needs at that time. Any financial impact from this change would be fairly nominal. If, for example, ten active members who are not practicing decided to go to inactive because all they want to do is volunteer, then the impact would be \$2,580 ($\258×10).

Pro Tempore Judicial Status. Yet another fairly insignificant change administratively for the WSBA but with a positive member impact is to allow retirement age members to qualify for judicial status when holding a pro tempore judicial position. Currently, under the WSBA Bylaws, members cannot choose judicial status if their judicial position is pro tempore. The recommendation is to allow pro tempore judicial positions to qualify when the member is age 65+ or licensed 40+ years. This has the added benefit of providing the courts in our state with more judicial officers to cover absences and vacancies. Members are more likely to do a part-time or even full-time pro tempore position if they can be on judicial status with a lower license fee and no MCLE requirements. It is hard to estimate how many members might take advantage of this or what the demand is for pro tempore judges. We know 132 active members currently age 65+ or licensed 40+ years were on judicial status prior to returning to active status. If, for example, 10% (or 13) of these members chose judicial status for pro tempore positions, the financial impact would be \$5,304 ($\408×13).

Honorary Status – From 50 Years to 40 Years to Be Eligible. There are some members who are of retirement age and who are in fact retired but still want to remain members. They also seek respect and appreciation for a long, distinguished career in the law without maintaining continuing licensing requirements. Currently, WSBA members who have been on active or judicial status for 50 years or more are eligible for honorary status². As noted above, honorary status is the same as inactive status but there is no license fee. It essentially allows a longtime member to “retire” but remain a WSBA member for no fee. The Workgroup considered this option together with those who suggested a reduced license fee for senior members and decided it would be appropriate to let members choose honorary status after 40 years instead of 50 years. After all, most members after 40 years of practice will be in the 65-70 age range. This will recognize their years of service, maintain their membership, and allow them to stay involved with the Bar.

There are currently 427 inactive members who would qualify for honorary status if this recommendation were adopted. All of them would clearly change to honorary status. Therefore, the initial financial impact of this recommendation would be \$85,400 ($\200×427). Thereafter, we estimate approximately 30 members who would've otherwise chosen inactive status each year would qualify for honorary status. This is based on identifying that there are currently 329 members on inactive status who have 40-49 years of active or judicial status. Given it is a ten-year range, approximately 30 members would become eligible each year. This results in an annual financial impact of \$6,000 ($\200×30). One unknown financial impact we have for this recommendation is the number of active members who might be on active status solely to reach the current 50-year mark. The Workgroup believes it is a relatively small number.

Active License Fee Hardship Reduction. As discussed above, the Workgroup advocates for paying a license fee for the privilege to practice law. However, the Workgroup acknowledges there may be senior members who must

² Note that the eligibility requirements for honorary status are different from the 50-year member award and luncheon. The 50-year member award is for all members licensed for 50 years regardless of status.

continue to practice law to support their household and due to life circumstances are in need of assistance. The Workgroup believes it is appropriate to offer a hardship reduction of the active license fee to members who are age 65+ or licensed for 40+ years, and whose household adjusted gross income is equal to or less than 400% of the federal poverty level (currently \$60,240 for a household of one, or \$81,760 for a household of two). The Workgroup recommends the fee be reduced to that of the inactive license fee (currently \$200). In reaching these standards, the Workgroup looked to the hardship exemption for the active license fee (which can only be used twice per lifetime). The hardship exemption is based on income at or less than 200% of the federal poverty level. Because this is a reduction, not an exemption, it seems appropriate to raise the income threshold. In addition, according to 2022 data from the U.S. Census Bureau, the average income for people over the age of 65 in the U.S., is \$50,290 per year.³ The Workgroup recommends the hardship reduction be available annually to all members who qualify.

In order to determine the estimated financial impact we again look to the hardship exemption for guidance. Approximately 90 members take advantage of the hardship exemption annually. Because the income threshold is double, we can estimate slightly more than double the number of members might then qualify; let's say 200. There are currently about 33,830 active members. Applying this ratio (200 of 33,830) to the 5,406 members who are age 65+ or licensed 40+ years, we get 32 members who might qualify for a hardship reduction. The estimated financial impact, therefore, is approximately \$8,256 ($\258×32) annually.

Include Years Licensed in Other Jurisdictions.

Finally, the Workgroup recommends including years licensed in another U.S. jurisdiction when determining the number of years licensed, so long as they are not overlapping with years licensed in Washington. Accordingly, this would apply to the 40 years of active or judicial status to qualify for honorary status, the hardship license fee reduction, and the pro tempore judicial position. Members would be required to provide a certificate of good standing or other status history certificate from the jurisdiction to establish the years licensed there. It is difficult to predict the fiscal impact of this recommendation since we do not know how many members have reached 40 years of active or judicial status when combining years licensed in another U.S. jurisdiction. However, the Workgroup does not believe this would apply to a large number of members.

Estimated Total Cost of Recommendations

It is estimated that the recommendations will result in a decrease of about \$101,540 in license fee revenue in the first year of implementation. The Workgroup suggests that the WSBA Budget and Audit Committee review the fiscal impact of these changes from time to time.

Conclusion

These recommendations primarily focus on options for members who have reached the end of their careers. Under the proposal, many active members retiring from practice would most likely be able to choose honorary status. There would be no need to choose a retired status because many will have reached the 40 years of active or judicial status. This would recognize members for their careers and dedication to the legal profession, allowing them to remain members until death at no cost to them. In addition, they would be able to volunteer and stay engaged if they so choose. For members who cannot or do not want to make it to the honorary threshold, they

³ United States Census Bureau. (2023, August 9). HINC-02. Age of Householder-Households, by Total Money Income, Type of Household, Race and Hispanic Origin of Householder. Retrieved from <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-hinc/hinc-02.2022.html#list-tab-99567878>

could choose inactive status and stay engaged or they could resign and choose to have it displayed to the public as retired. Senior members with judicial experience could more easily work as a judge pro tempore, and finally, for those senior members facing challenges, an active license fee reduction would be available. The significant changes to the statuses are highlighted in red in the table below.

| PROPOSED CHANGES TO LICENSE STATUSES | ACTIVE | PRO BONO | JUDICIAL | INACTIVE | HONORARY | RESIGNED/RETIRED |
|--|------------|--------------|---|--------------|---------------------|------------------|
| License Fee | \$458 +CPF | \$200/\$0* | \$50 | \$200 | \$0 | Not a Member |
| Eligibility Criteria, if any | | Volunteer | Include Pro Tempore for Seniors | | 40+ Active/Judicial | |
| MCLE Requirements | ✓ | x | x | x | x | x |
| Licensed to Practice Law | ✓ | ✓QLSP Only | As permitted under CJC | x | x | x |
| Ethics Line | ✓ | ✓ | | | | |
| Bar News | ✓ | if requested | ✓ | if requested | if requested | |
| Join sections as a voting member | ✓ | ✓ | x | when allowed | when allowed | |
| Join sections as a non-voting member | ✓ | ✓ | when allowed | when allowed | when allowed | |
| Serve on WSBA Committees, Boards, Panels, Councils and Task Forces | ✓ | ✓ | Task force, council, institute of the bar | ✓ | ✓ | |
| Serve on Supreme Court Boards and Task Forces | ✓ | when allowed | when allowed | | | |
| Serve on the Board of Governors | ✓ | | | | | |
| Vote for governors and on referenda | ✓ | | | | | |
| Active License Fee Hardship Reduction for Seniors | ✓\$200+CPF | | | | | |

* The license fee will be waived for pro bono status members who completed at least 30 hours of pro bono service with one or more Qualified Legal Services Provider(s) in the prior year.

The Workgroup and WSBA staff look forward to the feedback from the governors and members on this issue.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

To be provided separately 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 these proposals includes the amount of staff time used to develop recommendations, create processes and implement changes to existing workflows based on the approved recommendations, update WSBA records, and perform outreach to communicate the changes. 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. Additionally, the non-staffing impact of these proposals is incorporated throughout the memo and data gathered and costs calculated were developed in conjunction with the Finance department.

While the fiscal analysis is based on current data, it is our best estimate at this time and we acknowledge that predicting figures such as rates of membership resignation and status elections (active, inactive, etc.) is challenging and actual results are to some extent unpredictable.

Summarized below are the amounts estimated for recommendations 2, 4, 5, and 6:

2) Decreasing the number of years on active or judicial status to qualify for honorary status from 50 to 40- Estimated annual total of \$91,400, and \$85,400 for the first year of implementation only. This includes estimates of \$85,400 for inactive members who would immediately qualify for and switch to honorary status and \$6,000 for those in inactive status who have 40-49 years of active or judicial status who will qualify each year after the first year of implementation. The number of members included in the estimate of people who are between 40-49 years currently will reduce as each year progresses so the \$6,000 is like to reduce over time.

4) Allowing inactive and honorary members to volunteer on WSBA committees, boards, panels, councils, and task forces- Estimated annual cost of \$2,580

5) Allowing members who are age 65 or more, or who have been licensed for 40 years or more in any U.S. jurisdiction, to be on judicial status for pro tempore judicial positions- Estimated annual cost of \$5,304

6) Providing a hardship reduction of the active license fee for members who are age 65 or more, or who have been licensed for 40 years or more in any U.S. jurisdiction, and have a gross annual household income equal to or less than 400% of the federal poverty level- Estimated annual cost of \$8,256

The estimated annual expense for these recommendations is \$101,540 in the first year of implementation and \$107,540 per year afterwards.

The remaining two recommendations (numbers 1 and 3) require staff time and little to no identified expenses based on the current data.

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 workgroup identified that the people most impacted by these proposed changes are members who are age 65+ or licensed for 40+ years. The workgroup member makeup included representatives from the Senior Lawyers Section, a member with inactive status, a member with pro bono status, an At-Large member as well as a BOG member and the Treasurer. They appear to have sought input from the Senior Lawyers Section and broadly from the membership through a survey. The proposed changes appear to create more equitable outcomes like offering a hardship reduction and expanding the eligibility to volunteer for WSBA entities. As the workgroup seeks feedback between the first and second reading, it should

consider seeking input from the judiciary including the District and Municipal Court Judges Association who has been working to diversify the bench by collaborating with the WSBA CLE team to offer regular Pro Tem trainings and with the DEI Council to offer diversity scholarships. This input may help inform the proposal regarding the Pro Tempore Judicial Status. The workgroup might also consider adding other mechanisms for evaluation to measure impacts other than having the Budget & Audit Committee occasionally review financial impacts (e.g., seeking input from the Senior Lawyers Section, judiciary, etc. in X number of years; reviewing future demographic data of volunteers).

Attachments

Member Status Workgroup Charter

Proposed Bylaws Amendments from Member Status Workgroup

Member Status Workgroup Survey Summary and Member Comments

WASHINGTON STATE BAR ASSOCIATION

Member Status Workgroup Charter

Effective: Upon Approval by the WSBA Board of Governors

Purpose

The purpose of the Member Status Workgroup is to evaluate the license status options currently available to WSBA members who are leaving the legal profession and to propose revisions to current license status options or alternative license status options as determined by its evaluation. The WSBA'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. The Member Status Workgroup furthers the WSBA mission by determining whether the current license status options available to members leaving the legal profession meet the needs of WSBA members while adequately informing the public of the member's license status and eligibility to practice law.

Composition

Members of the workgroup should have demonstrated experience and/or interest in the issues raised by senior members of the bar as it relates to choosing alternatives to maintaining an active license to practice law. The workgroup will consist of six members and are outlined as follows:

- Chair
- WSBA Treasurer
- 1 Active Member from the Senior Lawyers Section
- 1 Inactive/Judicial/Honorary Member
- 1 Pro Bono Member
- 1 at-large member (someone who advocates for creation of a retired status)

WSBA Staff Liaison: Renata de Carvalho Garcia, Chief Regulatory Counsel, non-voting

Term

The workgroup is expected to complete its work by no later than the end of FY 2024.

Scope of Work

The workgroup will assess the concerns primarily raised by members who are leaving the practice of law including:

- Members who are leaving the practice of law and wish to maintain their WSBA membership (currently inactive status);
- Members who are leaving the practice of law and do not wish to maintain their WSBA membership (currently voluntary resignation);
- Members who are retiring from the practice of law but wish to be eligible to practice law in limited situations such as for family members or as a volunteer;
- Members who are retiring from the practice of law and wish to maintain their WSBA membership but do not want to pay a license fee (currently honorary status which is available only after 50 years of active or judicial status);
- Members who are leaving the practice of law permanently but do not like the term voluntary resignation; and
- Members who are leaving the practice of law permanently prior to the traditional retirement age and do not want to be considered “retired.”

The workgroup will evaluate the current license status options available to such members, collaborate with all relevant and interested stakeholders, identify and seek input from people most impacted by proposed changes, examine the financial impact to the WSBA budget of any proposed revisions or alternatives to license status options, and, if determined to be warranted, propose amendments to the WSBA Bylaws necessary to adopt revisions or alternatives to current license status options.

Measures of Success

A successful workgroup will:

- present a recommendation for license status options that addresses the concerns raised by members,
- demonstrate how the recommendation meets the needs of the members,
- demonstrate how the recommendation will protect the public and adequately inform the public of a member’s eligibility to practice law,
- demonstrate how the recommendation will have an acceptable impact on the WSBA’s budget, and
- promoting belonging and advancing equity for members who are contemplating changing their status.

III. MEMBERSHIP

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B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

1. Active

[No Changes]

2. Inactive

Inactive members must not practice law in Washington, nor engage in employment or duties that constitute the practice of law. Inactive members are not eligible to vote in Bar matters or hold office therein, ~~or serve on any committee or board~~, except an inactive member may vote and hold office in a Bar section if a section's bylaws permit.

a. Inactive members may:

- 1) Join Bar sections,
- 2) Continue their affiliation with the Bar;
- 3) Change their membership status to Active pursuant to these Bylaws and any applicable court rule;
- 4) Request a free subscription to the Bar's official publication; and
- 5) Receive member benefits available to Inactive members.

b. Types of Inactive membership:

- 1) Inactive Member: Inactive members must pay an annual license fee in an amount established by the BOG and approved by the Supreme Court. They are not required to earn or report MCLE credits while Inactive, but may choose to do so, and may be required to do so to return to Active membership. Inactive members may be appointed to serve on any committee, board, panel, council, task force, or other Bar entity, as deemed appropriate.
- 2) Disability: Disability inactive members are not required to pay a license fee, or earn or report MCLE credits while in this status, but they may choose to do so, and they may be required to earn and report MCLE credits to return to Active membership.
- 3) Honorary: All members who have been Active or Judicial, or a combination of Active and Judicial, members of the WSBA or the bar of any other United States jurisdiction for 50 40 years or more may elect to become Honorary members of the Bar. Honorary members are not required to pay a license fee. A member who otherwise qualifies for Honorary membership but wants to continue to practice law in any manner must be an Active member or, if applicable, a Pro Bono member. Honorary members may be appointed to serve on any committee, board, panel, council, task force, or other Bar entity as deemed appropriate.

3. Judicial

- a. A member may qualify to become a Judicial member if the member is one of the following:

- 1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;
 - 2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;
 - 3) A current senior status or recall judge in the courts of the United States;
 - 4) An administrative law judge, which is defined as either:
 - (a) Current federal judges created under Article I and Article II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or
 - (b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or
 - 5) A current Tribal Court judge in the State of Washington.
- b. Members not otherwise qualified for Judicial membership under (1) through (5) above and who serve full-time, part-time or ad hoc as pro tempore judges, commissioners or magistrates are not eligible for Judicial membership unless the member is at least age 65 or has been a member of the WSBA for at least 40 years.
- c. Judicial members, whether serving as a judicial officer full-time or part-time, must not engage in the practice of law and must not engage in mediation or arbitration for remuneration outside of their judicial duties.
- d. Judicial members:
- 1) May practice law only where permitted by the then current Washington State Code of Judicial Conduct as applied to full-time judicial officers;
 - 2) May be appointed to serve on any task force, council or Institute of the Bar;
 - 3) May receive member benefits provided to Judicial members; and
 - 4) May be non-voting members in Bar sections, if allowed under the section's bylaws.
 - 5) Judicial members are not eligible to vote in Bar matters or to hold office therein.
- e. Nothing in these Bylaws will be deemed to prohibit Judicial members from carrying out their judicial duties.
- f. Judicial members who wish to preserve eligibility to transfer to another membership status upon leaving service as a judicial officer:
- 1) must provide the member registry information required of other members each year unless otherwise specified herein, and provide the Bar with any changes to such information within 10 days of any change; and
 - 2) must annually pay any required license fee that may be established by the Bar, subject to approval by the Supreme Court, for this membership status. Notices, deadlines, and late fees will be consistent with those established for Active members.
- g. Judicial members must inform the Bar within 10 days when they retire or when their employment situation has otherwise changed so as to cause them to be ineligible for Judicial membership, and must apply to change to another membership status or to resign.
- 1) Failure to apply to change membership status or to resign within ten days of becoming ineligible for Judicial membership, when a Judicial member has annually maintained

eligibility to transfer to another membership status, is cause for administrative suspension of the member.

- 2) A Judicial member who has not annually complied with the requirements to maintain eligibility to transfer to another membership status and who is no longer eligible for Judicial membership who fails to change to another membership status will be deemed to have voluntarily resigned.
- h. Administrative law judges who are judicial members must continue to comply with APR 11 regarding MCLE. Either judicial continuing education credits or lawyer continuing legal education credits may be applied to the credit requirement for judicial members; if judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- i. Legal, legislative, and policy positions and resolutions taken by the BOG are not taken on behalf of Judicial members, are not considered to be those of Judicial members, and are not binding on Judicial members.
- j. The Bar's disciplinary authority over Judicial members is governed exclusively by ELC 1.2 and RPC 8.5.

4. Pro Bono

A member may become a Pro Bono member by complying with the requirements of APR 3(g), including payment of any required license fee and passing a character and fitness review.

Pro Bono members must not engage in the practice of law except as permitted under APR 3(g), but may:

- a. Be appointed to serve on any ~~task force, council, or Institute of the Bar.~~ committee, board, panel, council, task force, or other Bar entity as deemed appropriate. In addition, up to two Pro Bono members are permitted to serve on the Pro Bono and Public Service Committee (PBPSC) and may be appointed to serve as Chair, Co-Chair, or Vice-Chair of that committee;
- b. Join Bar sections;
- c. Request a free subscription to the Bar's official publication; and
- d. Receive member benefits available to Pro Bono members.

5. Suspended

[Unchanged.]

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H. VOLUNTARY RESIGNATION

Voluntary resignation may apply in any situation in which a member does not want to continue practicing law in Washington for any reason (including retirement from practice) and for that reason does not want to continue membership in the Bar. A member may voluntarily resign from the Bar by submitting a written request for voluntary resignation to the Bar in such form and manner as the Bar may require. If there is a disciplinary investigation or proceeding then pending against the member, or if

at the time the member submits the written request the member has knowledge that the filing of a grievance of substance against such member is imminent, resignation is permitted only under the provisions of the ELC, ELPOC, or ELLLTC. A member who resigns from the Bar cannot practice law in Washington in any manner. For official purposes the former member's status will be voluntarily resigned. The former member may choose to be designated either voluntarily resigned or retired as the status in the WSBA legal directory. A member seeking readmission after resignation must comply with these Bylaws.

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I. ANNUAL LICENSE FEES AND ASSESSMENTS

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7. License Fee Reduction Due to Hardship for Senior Members

In case of financial hardship , which must entail an annual household income equal to or less than 400% of the federal poverty level as determined based on the member's gross annual household income for the calendar year immediately preceding the calendar year for which the member is seeking the fee reduction, the Executive Director may grant a reduction of the annual license fee by any Active member who is at least age 65 or has been admitted to practice law in Washington for at least 40 years. If granted, the annual license fee will be reduced to the amount of that of the inactive license fee. Each hardship request that is granted is for one calendar year only. Hardship reduction requests can be submitted annually, and a request must be submitted on or before February 1st of the year for which the reduction is requested. Supporting documentation may be requested. Denial of a reduction request is not appealable.

68. License Fee Referendum

WSBA Member Status Work Group: Feedback

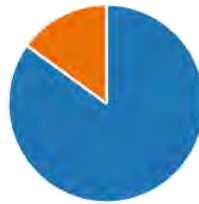
805
Responses

05:00
Average time to complete

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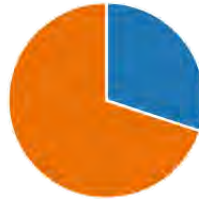
1. Are you aware of the different license status options currently available to members?

● Yes 674
● No 119



2. Do these options meet your needs?

● Yes 242
● No 563



3. What is missing from the current license status options?

550
Responses

Latest Responses
"A reduced price that allows retired judges to serve as pro tem judges only "
"Retired status"

4. Do you have any questions or suggestions about the different license status options available to members?

582
Responses

Latest Responses
"I would like the WSBA to create a license option for retired judges who are not ..."
"No"

WSBA Member Feedback to the Member Status Workgroup

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

retired status

create a retired status

A "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, and to give legal advice and assistance provided there is no remuneration to the retired attorney.

"Retired Status" or some similar label that conveys "honorable discharge" from active practice. It could come with the limited ability to advise family and friends on a limited basis.

They are too limited at present.

I agree with those who are proponents of a "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license or give legal advice to family and friends only

See my answer to #3.

A status that would allow for retired from a paid job but still able to provide advice to family and close friends.

I'd like to see a pro bono status for those participating in the Coalition of Oregon Land Trusts' pro bono program, not just the QSLP pro bono program.

They assume a binary approach - the retired lawyer immediately returns to pre-law life

elder experienced lawyer practice and contribution (less than when active)

Retired

A status that indicates retirement

A 'retired' option

A dignified "Retired" status would make a lot of sense.

"Inactive" just sounds lazy. "Voluntarily Resigned" (as is used in California) sounds like you surrendered your license just in the nick of time before the feds broke down the door and locked you up. I think a "Retired" designation/status is long overdue.

An option for retired status for people who have practiced a number of years, left full time practice in good standing, and no longer practice full time but may still want to work pro bono or advise friends/family.

No, but people who were full time public defenders or prosecutors for more than five years should get a trophy or a cheap watch something.

Retired

Pro Bono and Retired status should be able to participate in board elections and serve on Board

I hope to retire within the next decade but to me being a lawyer is baked into my being and while I may not practice actively, I would like to keep serving in some capacity.

A more appropriate senior status than "inactive" to honor long service

No

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Statuses meet my CURRENT needs, however I strongly support a "retired" status that is similar to the "honorary" or "pro bono" statuses. My former boss' WSBA page says, "voluntarily resigned," as though he left the profession in disgust, although he retired after a career dedicated to public service.

A reasonably priced active membership for middle income attorneys.

Yes, why is there not a reasonably priced active membership for middle income attorneys?

It would be nice to have an option between active and inactive that would be appropriate for people who are semi-retired, or for people who are only practicing law on an occasional basis, such as those who have moved into corporate roles that involve mostly non-legal duties. It might also be nice to have something similar to the "honorary" status for retirees.

The fee to retain "inactive" status seems very high, considering that they are not allowed to practice law at all. What is the justification for that fee being \$200 as compared to, for example, the judicial fee being only \$50.

Retired Inactive for 65+ with no plans to reactivate (but could reactivate if necessary). Lower fee than Inactive.

Inactive implies the license could be reactivated; Retired inactive allows for the possibility of reactivation.

If a status existed that allows only pro bono practice through a service agency to indigent/low-income clients, I think more attorneys who are no longer practicing would be more likely to volunteer.

Retired status. Also, an attorney shouldn't lose their license if they remain on inactive status more than a handful of years. I'm licensed in four states. Obviously I don't practice in all four (I've practiced in each while living in other states). I would be devastated to lose a license just because I'm inactive for more than a few years. This is the only state of my four that does this. (Illinois, Missouri, and Kansas).

Why is inactive status SO expensive? It should cost no more than the cost of the judicial status.

Inactive status is too burdensome to be useful

Review rules regarding inactive status and pro bono status to be meaningfully less administratively burdensome than just staying on active.

Retired, Pro Bono only

I'm an inactive member; I wanted to keep my license active, but my job doesn't pay for my license or my CLEs (as a legal degree is not required for what I do, although it's useful). The cost in both money and time to keep an active license was prohibitively expensive. I wish there was an alternative to going inactive, as retaking the bar after all this time is just not something I'm prepared to do, but I would occasionally like to help on pro bono cases.

retired with limited ability to practice law

No but it upsets me that the WSBA is dropping the Bar and replacing it with unclear directives which will cost all of us more money.

no

Retired

What is missing from the current license status options?

There should be a "retired" option.

honorary and pro bono are way too narrow -- many people want to retire but haven't been on active status for 50 years, and lots of people perform pro bono services through something other than a QLSP

What is missing is what the State Bar of Montana offers, Senior Status membership. I converted my membership there just yesterday. It is for members who are age 70 or higher (regardless of how many years of Active or Judicial Status membership they may have), who are retired or semi-retired, and who no longer practice law, but who do not want to resign from membership. Senior Status members can not practice law, have or advise clients, or appear in court - but they have no CLE requirements and only pay \$50 in annual dues.

I believe 40 years of WSBA membership should be plenty to retire as an Honorary member.

Same answer

Retired - after 39 years of practice, I would rather state retired than voluntarily resigned

"Retired status"

No

A. Designation of a Retired status which reflects the years of practice and contribution to the profession

No

A retired status would be a good option in place of voluntarily resigned

Retired - with the option to do pro bono.

Frankly, we've come to expect bad treatment from our own Association. Letting people in w/o taking the Bar Exam? Come on. Where's your common sense? Lost to political correctness?

Drop the fee for an inactive license.

Retired or Active Limited to Pro Bono

I like the idea that we should have a status other than Voluntarily Resigned.

Any designation that includes the word "Resigned" carries a somewhat subliminal negative connotation that the resignation was not entirely "voluntary."

Sorry I don't have any good suggestions.

There should be a "retired" status option, instead of "voluntarily resigned," which carries a negative connotation.

see answer to #3

Emeritus or retired designation would be preferable to the current .

Make "emeritus" status returnable to active status with an appropriate CLE requirement

Retired Status allowing pro bono or limited public service

Keep the bar exam!

There's no category for emeritus, meaning honorably retired or semi-retired and in my mind, this category should certainly qualify to be APR 6 assistant tutors. They have the time and know more about their area of practice than any tutor from a different area of focus could hope to gin-up on while actively practicing full time and supervising a Rule 6. It's a wealth of knowledge being thrown away.

Emeritus (retired), Mentor (semi-retired), and Senior (30+ years of practice only required to take CLEs on new statutes and case law)

Do you have any questions or suggestions about the different license status options available to members?

How do you justify charging a membership fee for inactive members when they get essentially nothing in return?!

need better, more reasonable options. Inactive status is also pretty darn expensive.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Something for taking a break for a while. Pro bono is an option but it was hard to find a QLSP to take me.

Have more options than the current ones. I would like to hold on to my license but unsure if I'd practise anytime soon. The \$500 license fee per year has not benefited me much.

I think the retired status should be added.

Too expensive for retirees. It's only \$15 in Hawaii.

There should be a retired from for income status but still voluntary status

retired but wish to give advice to family

should be more flexible in light of being flexible on not requiring the bar exam

Retirement

Other states have a no fee Retirement status

I am basically retired but my license is active. I did not want to go inactive or voluntarily resign. The terminology for "retired" attorneys is - well, offensive. In particular, the phrase voluntarily resigned has a negative connotation.

A limited ability to practice should be offered without having to annually pay a fair chunk of change to remain in active status.

No

I am retired from state service and working for a nonprofit that pays my bar dues. I am also chair of the board of bar examiners. When I retire from the nonprofit, I will be faced with paying active member dues solely to maintain my service on the board of bar examiners, which requires active membership.

Suggestions: lower bar fees for temporary inactive status which primarily affects women who take leave from the profession to raise children. The WSBA could also have more support for inactive members trying to get back into practice after a break from work. Again, this primarily affects women and at-home parents during a break from practice.

A category that allows a retired attorney to maintain some level of volunteer or informal activity (i.e., with regard to family and friends) and not "suffering from the ignominy" of "voluntarily resigning" as if after 47 years of respected work, we were required to resign.

Some other category to reflect the above concern.

Not sure if will be in practice long enough to be honorary

Retired one sounds good

In my last year as an active lawyer, I was appointed to a board, which I had to leave when I became inactive. My expertise was valuable to the board and there seemed no reason why I should have to pay a full active license fee in order to serve the bar in an important way.

There should certainly be a status that allows someone who is not an active member to contribute expertise without having to pay extra for the "privilege".

License retention for limited purposes in retirement at significantly reduced bar dues

Retired from active membership but not voluntarily resigned

"Lawyer emeritus"

What is missing from the current license status options?

There should be a status for low income attorneys (ie attorneys who are below poverty line or even median income), which allows them to maintain license while paying a lower fee. Also, might be nice to have a step in between active and inactive for attorneys who are not working as attorneys but want the ability to potentially transition back into law. \$458 is a reasonable rate for someone who is making a median income from the practice of law. However, it is a huge amount for someone who qualifies for Medicaid based on income level and/or who has not actively practiced law in years but wants to maintain the ability to help friends and family or potentially apply for jobs that require an active bar membership someday.

Lawyers (like me) who have left private practice but who continue to do pro bono work, bar committees, serve as an arbitrator for the court system, or teach. The only compensated work on my list is serving as an arbitrator and that is nominal.

An option that would allow practice to only family members and/or friends. A reduction of the amount of fee to \$50.

As an early retired government attorney, I would like the option to hold my options open but the cost of an active membership is costly on my small income

There should be room for Honorary members who have combined 50 Years in the bar not only from Washington but other states. Anyone barred in another state who comes here and can show he/she has been active in another state and this state for a combined 50 years should be eligible. Also, a person who submits an application for disability status should not have to file anything other than a letter from Doctor to be disabled. No person should have to share medical records to show disability. Disability should not be administered under Disciplinary counsel but should be reviewed by counsel that doesn't stigmatize the disabled.

Retired

I am about to retire and would like to be designated "retired" rather than "resigned."

Retirement status/ a status that signifies one retired from this profession rather than "resigned".

I have retired after a satisfying and successful 40-year career. I would like my status to reflect this accomplishment when I decide to become inactive.

Retired

Retired

retired status similar to inactive with opportunity to go active if desired without other impediments

Do you have any questions or suggestions about the different license status options available to members?

WSBA should do a better job of understanding economic diversity in the legal profession. I think it is reasonable to require more than \$458 from an attorney who is making over \$120,000 from the active practice of law. However, it is a very high rate for an attorney who is making \$60,000 and struggling to survive financially in WA state. In fact, the cost of the WA state bar license may be one of the reasons why many lawyers leave the profession, why so many nonprofit law jobs are unfilled, and why so many indigent clients are underserved and not represented. WSBA needs to recognize how economic disparity impacts bar members and create a reasonable pathway for low income members or new mothers who may be taking time off law for a few year.

Expand the pro bono category to include services by court-annexed arbitrators and other legal work that is not compensated.

See above.

no

Yes. In addition to inactive I think there should be a retired status for folks like me.

After being in the Bar for nearly 40 years it would be great if there was a Retired status.

I believe if you are inactive you can return to active in 6 years without other qualifications. Correct?

What is missing from the current license status options?

Do you have any questions or suggestions about the different license status options available to members?

Members who want to participate after retirement can use the pro bono license designation.

I endorse the talk about a retirement option that allows limited practice for friends and family and a reduced annual fee. CLE issues would have to be clarified.

Retired status or something for people who leave the practice of law. There is a misconception by the public that if someone "voluntarily" gives up their bar number, it is because of some wrongdoing on their part.

See previous answer.

Retired Designation and/or Pro Tem Judge Designation

I am retired from government service, but working part time as a pro tem administrative law judge. Before I retired in 2017 I had been on judicial status since 2004 because I was a "full time" ALJ. But now that I'm part time (20 to 30 hrs/wk) I have to be in Active status to maintain my Bar membership. I am also the Chair of the Admin Law Section, so I stay busy, even tho' "retired".

Retired, medical leave/ sabbatical or part-time. (switching between active and inactive maybe for in-house counsel) , board member (maybe when lawyers dedicate their service to boards after retirement)

Yes would love to brainstorm ideas in focus group setting and I believe workgroup should try that so more voices are heard as the above suggestions are based on what I heard

A designation for retired members would be nice. The term "voluntarily resigned" seems to carry with it some stigma that it is related to a disciplinary action or threat. People leave the practice for all sorts of reasons (some of which we need to address collectively, because we are losing good lawyers). The designation "retired from practice" might cover both these losses and true retirees.

Perhaps an alternative, quasi-active designation that allows retirees to participate in more activities than those listed in the table and pay a nominal annual fee, if necessary.

No

an option for retired lawyers to continue to volunteer and give legal advice to family and friends and volunteer for bar activities. It would be great to have retired members who can sit on Bar committees and offer their wealth of experience and institutional knowledge.

see above

Would like status that allows me to contribute my legal skills, even if in a limited way, for volunteer activities and to family.

The cost scheme makes absolutely no sense and should be income based.

What is missing from the current license status options?

Do you have any questions or suggestions about the different license status options available to members?

Inactive-Retired

We should not be charging a licensing fee for folks who are inactive because they are retired. Also, "honorary" license sounds like it is a fake license (like how celebrities get "honorary degrees" from colleges or universities--the general public does not actually think the celebrity is now somehow on par with someone who actually went to school and studied for that degree.

The option for retired status, as mentioned in the e-mail re responses, makes sense to me.

Retired, or Retired - Limited (some option to honor retirement and also allow option for retired lawyers to engage in a little bit of practice by choice)

retired status

The license fee is too high

I agree that retirees should have a different status than those currently provided. A lifetime of service as an attorney should be recognized in a more honorable way.

retired status or just retired

Why if you retire do you have to be completely "inactive", seems very black and white when there should be a better way for lawyers to retire without having to stay "of counsel" and fully "active" or have to go "inactive".

As I approach retirement, I would like a category that acknowledges my 40 years as a licensed attorney with no disciplinary actions, allows me to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, and give legal advice to family and friends only.

No

No

N/A

Retired

No

The options meet my needs at this time, but I when I am closer to retirement I would be interested in something like a retired status.

An inactive status that would allow participation in bar activities and volunteer positions at a reduced fee

A retired status where we could pay reduced dues and still practice law pro bono and participate in bar

I think adding an option for retired status with limited ability to work for friends and family is a great idea

Semi retired

Semi retired

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

There should be a "retired" option that is available at a certain age (circa 65+) for people who are no longer practicing, regardless of how long they practiced. Or waive the \$200 fee for inactive members past that age. Voluntarily resigned sounds like they quit before they could be fired, or threw in the towel and abandoned the field. There is nothing wrong with wanting to retire and people who qualify for SSI shouldn't be paying for no reason.

I would lower the Honorary requirement significantly, to something like 25 or 30 years. That is certainly long enough to have shown a dedication to this field. 50 years requires a person to go straight from college to law school, get licensed immediately, and work until they are 75. This excludes people who took time off to parent, or who couldn't pursue education right away, etc. Also, inactive age 65+ should be free.

A more dignified "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give Pro Bono legal advice to family and friends only.

A retired option. It could look something like the military with a honorable discharge or dishonorable discharge.

I am deeply concerned about the new admission options. We should focus our efforts on raising up "historically marginalized groups", not lowering our standards for a full practice license. How will you protect and serve those of us who worked hard and sacrificed to pass the bar exam to earn admission? Will our license reflect that?

No

Retiree status

No

Consultant or non-practicing academic. I'm a PhD student and would like to have the flexibility of maintaining membership since I might be asked to contribute to CLEs.

Retired but not practicing and still having the ability to fully participate on bar committees and other volunteer activities.

See above

Recognition of a retired status

See above

I agree with the comments about adding a retiree status. It does not apply to me yet, but I can see the merit.

Out of state membership (like what Florida has). This allows for an easier adjustment of status should I move back into the state and wish to practice Washington law again. I am currently paying for a full membership as I wish the flexibility to return to practicing law in the PNW should my circumstances change.

When an attorney has multiple licenses but does not practice in the state, there should be an option to keep full bar membership with the option to easily adjust status if and when that member returns to practice in the state.

I'm currently an inactive status attorney. I would like to see some limited active status. For example, if a retiree wanted to volunteer in a particular area, he or she could do so if they were certified for that area with annual specific CLE training-of a limited number of hours.

State/Government

Administrative agencies have attorneys that require a license but we do not fully practice the law. There should be something akin to judicial pricing for state government workers.

What is missing from the current license status options?

Emeritus type status with reduced fee that would enable the sporadic/occasional practice of law

There ought to be something like "retired status."

I am 76yo. My practice has slowed way down. But I do continue to advise a few clients, tho I no longer appear in court.

Lower rates for members in first 10 or so years of practice

It would be good if the dues for "active" members who had practiced for 30 years or more were reduced. Currently insurance premiums, bar dues and modest rent surpass by far what an older active member can pay without going into savings from past years which are needed going forward.

I feel there should be a category for retirees that costs less than inactive status. The benefit I would like to have from this membership status is to still receive communications from the bar association and keep abreast of bar news. I am in inactive status and am about to retire. Once I am on a fixed income in retirement, I will consider giving up my inactive status. If there is another category available, I will consider it.

Licensed but not practicing law

An actual retirement from practice status. The voluntary resignation status is an insult to those who retired while still in good status with the Bar.

Retired status. Ability to continue participating in bar activities and possibly give legal advice to friends and family.

Not enough options available. See below

Retired

no other categories between active and inactive

Do you have any questions or suggestions about the different license status options available to members?

Emeritus type status with reduced fee that would enable the sporadic/occasional practice of law

My suggestion is to create something like retired status.

Reduced practice status

Break private practitioner dues into three tranches: first 10 years, next 20 years and the 30 or over. 1st and 3d tranches should be higher.

No. Would be fine with a retired status for those who retire.

Yes - would be nice to acknowledge "retired".

Make retired from active practice a separate status from the voluntary resignation status. The later has regularly applied to those who face disbarment, certainly does not fit those of us who have chosen to end our practice days for reasons far from the possibility of disbarment.

See above.

No

Retired should be an option, same price as inactive

Option re fees to be waived if volunteering for legal non-profits where the non-profits report volunteer hours to the Bar; could be categorized as: Active and 501c3 Volunteer

Temporary Sabbatical

What is missing from the current license status options?

Not clear from the options, whether one must maintain active status and be board such as the Practice of Law Board, or take active role in BOG.

Emeritus status; the State Bar of Texas grants emeritus status to all attorneys over age 70. Bar dues are waived. Emeritus attorneys can be active or inactive.

(1) Retired Status; (2) Active License is too much to pay, especially considering the reduction in our profession's respectability with the new attorney licensing, which lowers the professional bar for all - we should have a way to mark us as an actual attorney who went to law school and passed the bar exam, too..

A "semi-active" option for late career "light" practice

Military spouse who is forced to leave and come back. Wish there was an option that would help the financial burden when orders take my husband, and therefore me elsewhere.

There should be an honorary retired limited license that allows one to practice law for one's self and immediate family members.

Too binary, you are either an active lawyer or not (which includes all the other categories).

Something that permits limited uncompensated practice in addition to pro-bono - family, etc.

Retirement status

retired

The eligibility rules for judicial/adjudicative positions are not sufficient. I have served as a judicial officer and am now on an adjudicative board in Oregon. Public servants in these types of roles should be eligible for judicial membership, rather than being forced to pay 4x more to retain inactive status while serving the public.

Do you have any questions or suggestions about the different license status options available to members?

There should be some ability to: 1) be active in setting the direction of the profession, and 2) limited ability to practice law in certain situations (that is represent family or LLC in legal matters). Note, while one can represent themselves, under Dutch Mill, they could not do their own work on a family LLC).

No

It would be good to have a category with a respectful name for an attorney who is no longer practicing. "Voluntarily resigned" sounds like the attorney was forced out for some undisclosed reason.

I support a "retired" or "semi-active" option

The options meet my needs at this time. However when it becomes time to retire it would be nice to have an option that reflects something like "retired in good standing" or something along those lines.

See No. 3

Can you create a "retired" or "limited practice" status that allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only?

Add a retirement status

People who complain about having to resign should get over it. This is a waste of time and money

Eliminate the requirement that judicial/adjudicative service must be in Washington to qualify for that status.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired status

I do not want to pay \$200/year but would prefer another option. I'm 53 and am in a different profession. I would welcome another option.

No

Emeritus? Something that conveys the step back, but in a positive way. It's a good idea, and hopefully someone will come up with just the right title.

Opportunity for Honorary Status (50 years active) to provide legal advice to family and friends.

See above

A status for attorneys who retired in good standing.

"Retired in good standing" which would allow the person to participate in volunteer activities.

After practicing law for 30 years and paying for an inactive status for 16 years it is disappointing not to be acknowledged as a Retired Attorney. I am also licensed in California and have gone inactive there as well, but at least at age 70 California has waived any further dues requirement. This too should be considered. A Retired status conveys a more dignified position than the Inactive.

A "retired" status

Retired

No

Perhaps retired status after forty years of practice.

Retired with limited practice rights for family and friends.

Retired

I am fine with inactive or retired and think any effort to come up with some other category will be confusing.

Retired status

My situation is not typical. I had brain surgery in 2020 that left me disabled after practicing law for 24 years. I do not want to "voluntarily resign," which feels like it doesn't recognize my years of practice, and means you may not be able to practice again without taking the bar. It would be better to have a retired status that is less money than inactive and recognizes a long career.

Retired

No

I hate "voluntary resignation". For all someone reading that knows, I could have resigned under pressure. I would really appreciate a "retired" option.

See above

Retirement

Retired member

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Would be interested in a less expensive inactive option for people who after a certain number of consecutive inactive years would like to remain associated with the bar, but cannot justify \$200 annually to maintain inactive affiliation.

As a senior status member with 5+ decades of experience I have been approached by family, friends, and charitable organizations asking me what I think about legal problems. If I answer them, without charging a fee, am I engaging in the unauthorized practice of law? Must I pretend that I have no thoughts or knowledge on the subject?

Clarity as to what a senior status lawyer can do, if anything.

Unrelated, maybe: If WSBA makes it easier, or gives alternatives, for new lawyers to practice law (which I'm fine with), maybe also make it easier for inactive members to practice again. I've hewed strictly to the no practice ethics for inactive members, but at times would like to have given innocuous legal advice. There might be a way to craft the system to lighten the re-entry process while maintaining protections against bad practice.

I have been out of state for 25 plus years but keep my inactive status since I passed the WA Bar Exam. There should be another less expensive option. My benefit? The occasional bar magazine. Thank you for considering.

See above please.

I can see no reason why it costs the Bar Assn anything close to \$200/year to administer an inactive license. Either reduce the fee back down, or increase the benefits.

"Retired"

No

Retired

Provide an option for a retired license with a small to no CLE requirement, or one that would be met through the free lunchbox CLEs offered by WSBA. This license could allow a finite practice of law within defined boundaries.

Retired status

There should be a retired status with no dues.

A retired status.

Add a retired status.

Something for people who have retired or don't plan to practice in Washington for a while.

Make them cheaper for people without an income.

Retired-limited license

I'm inactive, but not forever. A retired but limited license with limited ability w"practice " legal advice, help for family.

Retired both for attorney and judicial.

Having a retired option makes sense so retired folks could assist in some limited ways such as volunteering.

An option for retired folks who don't want to opt for "inactive" or simply quit the bar

Please provide a "retired" option. It should work like "inactive" but allow people to do personal unpaid legal work for family/friends/volunteer groups.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

While I am satisfied with the current options, the idea of a "retired" status is appealing as long as you don't charge more than the current inactive fee. I am also inactive with the Texas Bar Association. There they do not charge any fee for lawyers over 75 years of age.

Retired status

Yes. Is there flexibility in retirement

Professionals retired: active: non-profits and community organizations.

Inactive? I'm more active than when I retired.

A category of "Retired, not practicing" which is more accurate and respectful than "inactive"

Inactive is too expensive.

I think there should be an option other than voluntarily resigned.

See above

Should be an emeritus or similar status for lawyers over age 75 or who have been licensed for 50 years or more. Low or no fees for such a category.

Why \$200 dues for inactive status? This is too high.

Retired bar member

Keep the bar exam

Retired

No

I agree that creating a retired status would be beneficial compared to only inactive or voluntarily resign. I also believe it would be kind to create a category for honorary after serving 25 or 30 years, or a combination of age and years served. 50 is excessive.

I agree the retired category should allow participation in bar activities, pro bono volunteer work and assisting family and friends.

Emeritus status for retired lawyers and judges

I do not understand the license fee structure for pro bono

A "retired" status.

The current option of "resigned" suggests a member left the profession due to an ethical violation.

Judicial status should be able to practice law. The act of decision making in legal matters is a form of practicing law so it does not make sense to have it restricted. Judicial status should be able to practice or at least practice pro bono.

Retired status; like the Oregon Bar has

See above; having a retired status would be appropriate for some, including me

Would love to see a retired status option.

Would like something where one could advise family and friends while no longer actively practicing

CA waives inactive fees for those over age 70; why can't WA do that?

How about just "Retired" with same fees and perks as inactive

I am on Inactive Status, which does not allow me to provide any legal advice or services, including Pro Bono service. The Pro Bono option is not adequate as I must work for a specific organization to provide such service. If I wanted to provide Pro Bono service to a not-for-profit organization, I cannot do so.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired status

Would like to see new category of retired with no dues requirement.

Retired status

Add retired status

Retired

Retired inactive able to help pro bono and family

Retired

no

Less than fully active after a long illustrious career

I like the idea of something other than voluntarily retired.

I think the category of "retired status" is a good one. I chose "inactive" because I didn't want to resign completely. As far as I knew, I could still participate in Bar activities while inactive, but perhaps I was wrong about that. As a practical matter, due to malpractice insurance requirements, if one retires and is inactive, one cannot practice law, in any manner, even to give advice to family and friends, otherwise one jeopardizes one's tail coverage. According to my carrier, if I want to give legal advice in just one case I must pay the entire premium for the entire year. There is no coverage for a part-time lawyer. I am not willing to practice without malpractice insurance, so even if I were designated "retired status" and given the right to give limited legal advice it would not matter to me. Nevertheless, I do like the sound of "retired status" better than "inactive."

Suggest a new category for retired practitioners.

I'm retired and I'd like to give advice to family and friends - maybe allow for a limited number of hours of practice per year. I'd also like to do more pro bono work without having to be supervised by a qualified organization. I'd also like a limited exemption from malpractice liability for uncompensated pro bono work.

I like the idea of a "retired" status within the parameters set forth in my answer to 3 above.

Inactive can supervise Rule 9 interns

no

I am 71 years old and my Texas inactive status doesn't require any payment once the lawyer reaches 70 years old. I don't want to resign from the WA Bar in order not to have to pay anything.

Create an inactive status that doesn't require payment after the lawyer reaches age 70.

Retired status.

Retired in good standing and reduced fees!

I support the retired status category addition, agreeing it confers some honorary status. Perhaps limited practice in public service.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

In California if an attorney is 70 or older the inactive fees are waived. I think this is appropriate since in Washington we pay a lot of money for basically no rights except for being able to reactivate a license. If there is going to be a payment required then there should be some limited practice rights as suggested. I had kept my license active for a number of years after retirement so that I could give legal advice to family and friends and be active in bar functions. I only recently went inactive since it was not worth it to stay active.

See 3 above

There is no no-cost or low-cost option for members who retired in good standing. "Voluntarily resigned" does not cut it; it implies we were about to become the subject of disciplinary proceedings. I would like to see a cheap/free option for "honorably retired members," which include an allowance for very limited pro bono advice/services to family members (and perhaps some other pro bono volunteering.)

I am glad you are studying this. I just retired at the end of last year, and temporarily chose "inactive status" because I do not want to re-take the Bar exam if I decide to ever come out of retirement, but the cost of that status does not make sense.

I recently retired and elected to pay for inactive status. I'd prefer an option for retired status.

Would be nice to have a limited practice option for retired attorneys

Retired status

Retired status would be a good addition

No, and thanks for the information

Retired status

Retired status

Giving limited legal advice while retired.

Any kind of low-cost option to remain open to returning to active practice.

Why do I pay \$200 to be inactive? WSBA should justify that. Often inactive lawyers are those who can least afford it and who don't have an employer to cover their bar dues.

It meets my needs now but I support the request for an additional option to respect a long career.

It's very expensive to be inactive for not much in return

If I were to return to practicing law I don't think I should be required to re-take the bar exam

Retired status

Offer a retiree option with free membership BEFORE age 75 as I think it is currently

WSBA should have a government attorney status option with lower bar dues and CLE requirements. WSBA's requirements are so expensive and onerous for those of us who don't have employers who will pay for CLE's. In addition, having to take CLE's that are completely irrelevant to my area of practice just to get hours (when my employer provides the ongoing specialized training I need) was a waste of time I cannot afford. As such, I opted to waive into another jurisdiction with better treatment of government lawyers and go inactive in WA State. I would have preferred to stay active in WA State, but do not feel seen under WSBA's current statuses and requirements.

"Retired" status would be OK but only if it allowed reinstatement to active under the bar rules and the fees were less than "inactive."

A better and more affordable option for retired lawyers.

No

Dignity

Inactive retired preferred

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

The fee for maintaining an "inactive status" should be waived, at least for those of us above retirement age. See the California Bar, which waives the fee for those over the age of 70.

The fee for maintaining an "inactive status" should be waived, at least for those of us above retirement age. See the California Bar, which waives the fee for those over the age of 70.

I've been inactive for years, so don't feel strongly about a "retired" option, but it does sound like a good idea.

Lower cost inactive fees. Why are members paying \$200 if they can't practice? Advise no charge or nominal charge (\$30).

No

Active / Inactive seems too much like an on / off switch. there should be a spectrum. pro bono doesnt capture it. nonpracticing attorneys could almost be like campus resource officers who could explain more than a layman but their advice should be confirmed by an active, practicing attorney. Judges should pay full rates. the other member categories should get to participate in governance. someone who is truly inactive with no legal affiliation should only have a de minimus annual fee of \$50. the process of changing status takes too long and guidance not clear and readily available.

a temporary pause of up to 12 mos with no fee. a retired / emeritus / honorably discharged designation for lawyers who have served at least 20 yrs with no issues / problems. can be used once every 5 years. a retired or

Retired in good standing

Retired in good standing

Emeritus status;

Yes - I thought I was after 51 years "licensed" emeritus status. Having just checked the bar directory I see after all these years I do not "exist"! That is an affront

I would like to offer advice and maybe services w/o pay as an inactive member.

See above

retired status

no

Would like to volunteer without having to completely reinstate, take CLEs etc. Ironic that retired lawyers who passed the bar can't practice when the bar has decided the bar is no longer needed.

Agree there should be a "retired/inactive in good standing" status instead of "voluntarily resigned", or "inactive" which makes it sound like we were disciplined.

No bar dues for members over 70 (See, California rules). Limited practice licensing for retired members.

The retired status should be a new option and an out-of-state option

The retired and out-of-state status should be an option

Ability to advise on a limited basis after retirement

Limited practice as indicated in 3 above with a somewhat higher license fee.

Limited ability to practice law for former clients, family and friends.

Retired status makes the most sense

It appears that resigning even voluntarily gives the appearance of impropriety. It would be much more honorable for long service to say "retired" or "retired status.""

If "retired status," should be no charge or minimal charge, not \$200.

A status as a lawyer not currently practicing.

Provide an ability to say you are a lawyer but not practicing.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

I would like an option that does not say "inactive" but indicates I am not practicing in the State of Washington. I don't feel I should have to pay \$200 per month. At this point I am 65 years old. I practice in Oregon. I'm not ready to retire, but I wish there were another option.

No.

The inactive license is too much money. In England, you can just not have the practicing certificate and it doesn't cost you anything.

No

Retiree limited practice

no

The ability to give pro bono legal advice as the need for it arises rather than QLSP

no

No

I was an active member for almost 40 years and went to inactive status to eliminate the need to meet all of the requirements of an active member, including continuing legal ed requirements. I have a son in law who is a practicing member and would like to be in a position to help him when he needs help but I don't see the need to complete all the continuing ed every year. Most of the work I would be interested in doing (if any) would not be technical and would be work I could easily do with the help of a para legal. Some kind of emeritus status with limited practice authorization would be great.

No

Retired Status option missing

retired status

add a status that has some flexibility

Retiree status

Retired status

Add retired status, and make address non-public like Oregon

something like a "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only.

bar news if requested

Retired

Active members should have fee scaling. Those who earn less than \$30,000, or some other amount, a year in fees from the practice of law should pay same dues as inactive. Members who pro

See above.

Pro Tem Judge status for retired judges who don't want to practice law but are needed as pro tems

Pro Tem Status or Retired Judge Status should be discount.

I am retired but have been hesitant to "resign" because (1) it limits future options and (2) it has negative connotations related to disciplinary action

\$200/year is a lot to pay to get emails. The fee should be lower

Ability to change status to "retired."

See above.

attorney emeritus

attorney emeritus

I agree that the categories of older attorneys who decide to go temporarily to Inactive or Resigned do not provide adequate designations.

See #3

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

The ability to give general advice to a friend or family member. People know I practiced law for years in many capacities and still seek some friendly advice. They are not looking for the answer for specific litigation questions, but more along the line of "Do I have a case that might prevail?" If I think they might and suggest that they get a lawyer qualified in the area, I don't want to be reported for unlicensed practice because the active lawyer does not agree with me.

I am also a member of the California Bar and they have the equivalent of honorary membership beginning at 70. \$200 per year is a lot of money just to keep the title of attorney after a lifetime of work.

Retired and/or some option to do limited legal work for non-profits/family.

Honorary should be reduced to 30 years (no more than 40 years).

I was laid off and ended up putting my license inactive because unemployment in WA doesn't pay much when you live in Seattle (in house counsel). Now I've got a job and trying to get my license reactivated is a ridiculous process and I was only inactive for two months. Had I had any clue what it really meant to inactive my license, I wouldn't have done it. But there are no options for people who recently got laid off in Seattle, you have a LOT of in house counsel with a very high cost of living.

Allow an option for people who lost their jobs. When I looked at the lower price options, I didn't qualify because I made too much money last year, but I was only getting \$4k on unemployment a month and my mortgage was \$5k so higher license fees weren't an option in this job market.

Retired status

I would prefer retired to inactive. Also, please keep contact information private for those not licensed to practice law.

I am a retired judge and elected to go on inactive status. I am currently working very part time as an inquest administrator. I believe a designation such as retired status might more accurately reflect my situation. It felt like a pretty big jump to go from an active judicial status to inactive.

I agree that an option for retired status would be helpful

Being able to volunteer as a lawyer.

No

Retired status

Retired status

Retired status that allows you to provide advice to family.

Retired option

Retired option

retired with ability to provide legal advice to family and friends

Cheaper fees for inactive members to hold names on a list.

I would like to be an honorary member. I was inactive in Washington State because I moved to California, but I have been actively practicing law for 50 years.

See above answer.

A "Retired Status" is missing.

Retired judicial officer. My reading is that I can't pro tem unless I am an active member.

See above

Retired

Retired members should not provide legal advice to family members. Retired means retired.

Voluntary resignation has a negative connotation, as if the resignation was in lieu of discipline. A retired status would be appropriate, with no cost.

Add a retirement status and change voluntary resignation to reflect in lieu of discipline. P

A "retired" status allowing limited practice.

A "retired" status allowing limited practice.

Inactive members should be considered for voting status.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

options for long term members now retired

Pro bono is a good option for retired attorneys

Retired status

Should recognize retired lawyers vice inactive

I would like a retirement option instead of being "inactive" or "voluntarily resign". Ideally this would allow continuing my connection to the legal community by volunteering, continuing to keep up with Bar news, and participating in Bar events.

Yes, a suggestion to add a category whereby a retiree can remain connected to the legal community and contribute after retirement.

Option to volunteer in a legal capacity, remain active in the community and acknowledged for once having been an active lawyer.

Should have a status that is not simply "voluntarily resigned"

retired status which would allow the practitioner to continue to participate in bar activities and volunteer opportunities, and give legal advice to family and friends only

no

Private Corp Council and volunteer services.

It's silly to have your current options when most of us have vast current experience that can be used.

Emeritus. When I retired after more than 50 years of Bar membership, I was told I have emeritus status. Am I now an "honorary" member or "voluntarily retired."

See above. There should be some recognition of honorable service, especially after 50 years.

Inactive should not have to pay to be unemployed, whether by choice or circumstance. We are penalizing all lawyers who take time off from the profession from being caregivers for their families.

I was inactive when I was a career law clerk. I was employed in the legal profession but because I wasn't actively practicing law, I didn't need to be active. The government did not pay my annual fees or fund any CLE for me. I felt like a second class lawyer even though I was working in the judiciary. The judiciary position should apply to law clerks as well as judges.

Actively practices in other state

I have kept this license even though I moved to Alabama and am licensed here. Would prefer a section that more appropriate for that.

retired - no fee unless reactivate

It was too difficult to fully retire so I chose inactive status. The hard part was because the information provided said that I would "no longer be an attorney." I went to 4 years of undergraduate school, 3 years of law school, took the bar exam in two states, and practiced law for 36 years. I am an attorney whether or not I have an active law license. I certainly agree that WSBA needs a status for retired attorneys that acknowledges the licensee could still make valuable contributions. I had a hard time doing pro bono work due to work demands but now that I have time...too bad. I'm supposedly not an attorney any longer. I would so welcome a change to this situation.

I recommend a category that would permit retirees to at least provide pro bono services.

I practice in another state and no longer practice in Washington. I'd like another option that remains in good standing and doesn't involve paying fees indefinitely.

inactive due to relocation; \$0 fees

Inactive carries a negative connotation.

I would like a "retired" status

Retired is available in other Wa licensures. Inactive seems insulting.

Retired.

| What is missing from the current license status options? | Do you have any questions or suggestions about the different license status options available to members? |
|---|--|
| Other status such as retirement, teaching, etc. | No -they are very limited options and they are self-explanatory. |
| Ability to provide pro bono services to non-QLSP. | A Retired status would be nice. It sounds better than inactive |
| I agree with the statement in the email that just having inactive, pro bono and resigned does not really recognize being a retired lawyer.I have done the pro bono and inactive. This year I continued the inactive status because I could not give up my status 100% after working to achieve it. I would like there to be a retired status.. that might include inactive and pro bono. | No |
| I agree a "retired" status, which permitted practice for family members or for pro bono work would be helpful to me and benefit society.e | See above |
| Should have more comprehensive volunteer/pro bono status | Yes, expand or create pro bono/volunteer category |
| Retired | No |
| Limited practice option | No |
| I agree that a retired status should be offered. "Inactive" active status could be associated with the loss of job, a health crisis, or failure of a private practice. "Voluntary Resignation" implies wrongdoing. Most attorneys "retire" after a long and successful career, while still in good health, and may even plan on continued work, just not as an attorney. The current options seem outdated. | See above. |
| You need a Retired status that costs nothing and does not involve practicing law. Voluntary resignation has an in lieu of disbarment ring to it. | A \$200/yr fee to be inactive has a punitive money grubbing ring to it. |
| This covers it-something like a "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only. Some believe "voluntarily resigned" does not honor the dignity of retirement after a long career | something like a "retired status" that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only. Some believe "voluntarily resigned" does not honor the dignity of retirement after a long career |
| Retired status | No |
| Retired status | Retired Inactive |
| Prefer something between Inactive and resigned | No |
| retired status | change voluntarily resigned to retired status Inactive / Retired |
| "RETIRED" STATUS | "RETIRED" STATUS |
| A senior status option that allows a limited practice for a reasonable, reduced annual fee. My last 2 years of active practice was pro bono work but not for organizations. The Washington Bar is far more concerned with attorneys under 30 than those of us over 60. | |

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Consider a "Limited" category where the lawyer is limited to representing only the lawyer's family members (mom, dad, grandparents, the lawyer's spouse or domestic partner, the lawyer's children and grandchildren, and the spouses or domestic partners of the lawyer's children)

A retirement or retired option. Also, an automatic no fee option when you reach a certain age. I am licensed in California in addition to Washington and I no longer need to pay fees however am considered retired and not resigned.

No

Retired

Add retired or emeritus with some privileges. Don't charge active practioners full fees after 67

Retired or Emeritus. Or senior active

Retired

I think adding a retired honorably or something with a similar connotation would be appropriate for attorneys and judges.

Should allow for those who have retired to continue to serve their community within the law.

No

Eliminate Inactive, fully merge into Pro Bono. Keep the door open for (particularly young) attorneys to continue to practice and benefit society. Pro Bono is also ideal for retired members, it is dignified and it is clear on what and why they are practicing despite not being active.

None

I am a U.K./English lawyer but have retained my WA license since 1999, but on inactive status since 2007 and the title and wording has often led to issues when researched as 'inactive' expressed I cannot practice law generally; I know this is the title to use and buried in the website there is a line about its use for my situation but the clarity of not practicing in WA, licensed but not practicing in WA should be more clear 'non-practicing in WA' or 'Active in another Jurisdiction' 'Licensed but Non-Practicing in WA' For my situation it can be confusing when researched. I don't want to cancel my license but this would make it easier — just an English Solicitor, no explanation needed. Thanks WA

An option describing a lawyer who is licensed and practicing outside WA
Inactive and out of state / country - shouldn't be obligated to have registered agebt
retired from the practice of law

See above

Retired

I was unaware of a pro bono status or I would have chosen that instead of inactive. I didn't realize the option existed.

should have retired status

Yes Retired

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired

An option indicating retirement from the profession.

Mo

I am over the age of 70 and licensed in both California and Washington. My bar dues are waived due to my age in California, but not in Washington. I would like Washington to adopt the same rule.

See above.

The fee for inactive status is really high. What is the \$200 being applied to?

Shouldn't be required to have 50 years before being able to be retired and yet give legal advice to family/friends in non OSLP settings. Maybe 30 years is enough.

See my response to question3

Retired

After practicing law for 37 years I should have a limited ability to still practice as an inactive member.

No.

Pro bono representation for non-QLSP organizations, limited scope representation with appropriate disclosures or insurance.

Broader pro bono allowance, limited scope license to practice for particular purpose with appropriate disclosures or insurance.

I'd be thrilled if judicial status were extended to judges of other states. I'm a judge in OR and am licensed in OR, WA and CA. California has judicial status for judges of other states. OR does not have judicial status for any judges. Thanks for taking the survey.

Emeritus for retirees

Current license options meet my needs, for now. I agree, "retired status" would be an appropriate option for later, if available.

I would like to see an additional category "retired from the practice of law" or just "retired."

I would like to see a "retired" status. Also I would like to see that that pro bono status permits pro bono practice in other states as long as that is permitted by the local jurisdiction. More flexibility in in-state pro bono work would also be nice. Not every organization is a QLSP.

The term inactive is somewhat vague.

Use of a term such as "retired status" would be an improvement over "inactive".

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

I have lived in California for most of my law practice, and joined the Bar here also. I retired four years ago and have not wished to practice law in any form. However, I'm still interested in certain subjects within nonprofit tax-exempt law, including the practice of "fiscal sponsorship," which I wrote a book about and maintain a blog at <https://fiscalsponsorship.com>. So I would enjoy being able to attend and even speak at national, state, and local bar association conferences.

Informal advice to family and friends could technically be viewed as the practice of law.

Retired, not practicing. I don't want to voluntarily resign, as that has the feeling that I have committed some violation of my oath as an attorney. I'd like the annual fee to be significantly reduced, something like \$50.

Honorably retired, not eligible to practice law.

Retired

"retired, may practice part-time" and maybe something like "inactive but still licensed/active elsewhere"

ability to practice in a limited way. e.g., family members, etc.

inactive status is rather pointless. feels like paying for nothing.

Instead of Inactive, I would prefer Retired or an equivalent of that

No, I don't have

Clarity

Retired

Why are the inactive dues half the cost of active practice with the limited benefits of inactive?

Although I went inactive when I retired after 27 years on the bench and 13 years as I trial lawyer, I expected to celebrate 50 years as a member of the WSBA in 2028. However, it sounds like I will not be able to under the current rules. Then why should I continue to pay to be inactive?

I think membership at \$200 is somewhat high, and will lead to more members simply resigning without a license.

All types of licensees should automatically receive copies of the Bar News. I have to specifically renew that subscription by emailing I want to receive the magazine every year.

an inactive status with a reasonable fee. \$200 is excessive for simply maintaining a closed record

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

An appropriate status for someone who is retired and not practicing law but wishes to retain some kind of official status as a lawyer -- I was a lawyer for most of my life - still think of myself as a lawyer even though I do not actively practice law. But my license status basically suggests that I am NOT still a lawyer -- not a real member of the bar. I agree with the recommendation that there be some kind of inactive membership status

I like the idea of there being an inactive status that does not prohibit minimal casual advice and that still treats me as a member of the bar and a lawyer, even if inactive and retired.

Retired

Other states have a retired status and WA should as well.

Limited practice option for retirement

Retired

No

A separate "retired" status. I retired recently, but did not want the status of "voluntarily resigned" as it often goes along with "in lieu of disbarment." I therefore chose to pay \$200 to maintain "inactive" status instead.

no

Retired Status

No

This year, after four years of being retired while remaining on active status, I changed to inactive. I would have preferred an option like "retired" or other that would have allowed me limited ability to practice law, like advise family members. The other problem is that while I was retired but active, I maintained a post office box, which was a bother and also somewhat costly. I did so because as a former judicial officer, I did not want to make my home address publicly available. When I switched to inactive, I had to provide my home address. For personal safety reasons, I would like to see an option that allowed me to keep my home address not public.

Yes, see answer to question 3 regarding addresses.

Add a retired category

Retired

As honorary and after more than 50 years of practice, I should be able contribute to the community and have some personal satisfaction professionally.

Allow some limited practice opportunities without fee or CLE requirements.

the inactive fee should be lower. I have a Texas license on inactive status, the fee is \$50/year

lower the fees

\$200 for inactive should be enough. The 40 hours of pro bono service requirement is too much for people like myself unable to find work and experiencing severe economic hardship.

see above answer

I really appreciate the exploration of a retiree license.

I actively practiced law for 50 years (with three bar memberships). When I retired, I received inactive status which seems to be somewhat

I agree that something like a "retired status" that, among other things, would allow the lawyer to continue to participate in bar activities and volunteer opportunities, is a good idea.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

I first joined the Bar in 1969 and maintained active membership for 48 years. I switched to inactive at that time because of the cost of active membership. I learned two years later when my 50 year membership was feted that I would continue to have to pay for inactive status while others in my 50 year class don't have to pay anymore. Five years later I continue to pay for inactive status but it is hard to justify the cost. I believe the option of retired status would better meet my needs and that of others because it recognized long service and does not put me in the same category of others with far fewer years who have chosen to go inactive for whatever reason. Also, the ability to assist family and friends with some matters would be helpful. Just because one is inactive shouldn't mean you can't help a family member.

See answer above.

Retiree's should not be required to pay active dues or change to the status of inactive. Neither category recognizes long years of practice. Retired attorneys should not have to pay for inactive status, as there is low likelihood they will seek to be active again. Also, retired attorneys should pay no fee or a lesser fee than those in inactive status. Retired attorneys should also be able to assist their family and friends to a limited degree with the legal questions they will inevitably ask you.

Retiree Status

Dropping (or significantly lowering) fee requirements for inactive status after member reaches certain age, such as 70 as in California.

See #3. Being retired and paying inactive status fees in several jurisdictions is not justifiable anymore, and I likely will drop membership in one or more bars. Washington's are high by comparison to several other jurisdictions.

I should be able to give legal advice to my family when I am retired.

Mandatory designation of members admitted without passing any state's bar exam

Charge active members admitted without passing any state's bar exam more

information

no longer interested

Participate in bar activities, volunteer in clinics, possibly provide limited legal advice

NO

Retired Status

I would like to have my honorable service be recognized as other than "voluntarily resigned."

Voluntarily Resigned might be a pedophile avoiding disbarment proceedings--not honorable per se. Also, I would like to be able to provide pro bono consultations and referrals without charge.

Nothing I have read seems to fit my concerns.

I like the suggestion of a "retired" status.

What is missing from the current license status options?

The actual designations offered do not honor my time as a practicing attorney and they do not allow the opportunity to volunteer, give legal advice to family members, or to participate in bar activities.

I retired in 2021 and went inactive in 2022. It would be nice to have an alternative that denotes retired as opposed to simply quit.

Do you have any questions or suggestions about the different license status options available to members?

Something similar to an "honorable" discharge - "honorable"/voluntary inactive status or voluntary retirement status. Separate from those attorneys who have left practice temporarily or permanently due to disciplinary action.

A special category for retired attorneys

No.

Would like inactive to have option for retired status

I like the idea of "retired status"

I am inactive, but often want to give legal advice to family and friends, not including active representation in a legal matter or drafting legal documents. I strongly support expanding the options available to me as an inactive member to officially, legally and ethically provide legal advice and consultations to family and friends. I have another question which I describe in #4 below.

Here's a current situation my spouse and I are facing. We are involved in a post-construction contract dispute with our contractor. Small amount of money involved, but because of a very aggressive (and, in our view, inappropriate) posture on the part of contractor's attorney, we may be sued by him. Of course, as an inactive member of the Bar I am not barred from appearing Pro Se in such a suit. But I wonder if appearing Pro Se would limit my ability to represent myself vs. appearing as myself, Attorney at Law. Perhaps the answer to this is obvious, but this survey prompted my question about this situation in real time. Also, if, for example, an immediate family member were involved in litigation, as an Inactive Member would I be barred from sitting at counsel table with the family member and their active attorney to confer during trial? Perhaps these answers are obvious, but having been inactive now for about 6 years or so, I often wonder about what benefits and options are available to me as an "inactive" member. If this is the same as "voluntary resignation" which puts one in a non-member category, then what's the difference (and what am I getting for my \$200 dues per year)?

What is missing from the current license status options?

The ability to continue to participate in bar activities and contribute to the legal profession in some other meaningful way once retired, without having to maintain active status. Also, the ability to provide legal advice to family members and friends.

There should be a retired option. I will not practice law again in Washington or anywhere, but I would prefer an option of not resigning.

I would like a "retired" status rather than "inactive."

Assurance to say you are an attorney.

Something less than "inactive" but short of resigning completely. Retired status would be better with the option to become active again within 5 years without having to retake the bar exam. Let us retire with dignity and give us time to think about whether we want to completely stop. No fees, or very low fees in this status.

A category for retired attorneys who want to continue to practice in some form (alternative dispute resolution only, work part time or seasonally). Forcing someone to pay the full amount for active practice when they may be working part time is not fair and doesn't recognize the reality of retirement, especially when Judges pay hardly anything and make far more than many active practitioners.

A status that recognizes, respects, and values the contributions to the legal field of an attorney that is in retirement.

Ability to provide general advice to family & close friends, with no compensation

I am currently inactive, but I would like to be able to help family members or friends with small legal matters

Ability to volunteer while inactive

Do you have any questions or suggestions about the different license status options available to members?

For starters, one suggestion would be to lower the number of years of practice in the state of Washington to 10 years to qualify for Honorary status. Also, why can't the Inactive license status be less restrictive with respect to the ability to provide legal advice to family and friends, and to allow one to continue to participate in bar activities and contribute to the bar in retirement? The option "voluntarily resigned" does not accomplish any of the forgoing. Further, it seriously undervalues the wisdom and experience one has acquired after many years in the practice of law.

No

I like the idea of retired status

See above.

Giving advice, direction where to obtain legal advice.

An "emeritus" option is appropriate for those who have served long-term in the legal profession, for example, 10 consecutive years in the state.

What are the CLE requirements for each status?

I would like a 'limited practice' option

It would be nice to be able to volunteer pro bono for charities

What is missing from the current license status options?

Do you have any questions or suggestions about the different license status options available to members?

Inactive doesn't really provide a title that feels adequate after a 30 plus year career. While pro Bono is somewhat more attractive, having to be attached to one specific organization is too restrictive

Pro Bono with the ability to work in multiple organizations would be better. A category for retired that isn't inactive would also be attractive. Emeritus or even retired would be better. I ended up inactive because the Bar didn't explain adequately what the Covid extensions meant. I didn't realize my reporting period had been shortened, and I could have been assisted and informed better.

the pro bono hours requirement for a no-cost license is too high. the shelter, my annual hours would be 15-20. In addition, I'm a judicial officer. Can I pro tem after retiring without paying a license fee? I will have given up my elected position.

Yes. See above.

Retired status and years of active membership

See above

I went inactive and so it's accurate to say I'm "inactive". But, it was voluntary because I'm not practicing at the moment and my company would only cover the cost of inactive. So, it may not be clear that this was voluntary.

agree with suggestion to have "retired status"

yes, the suggested retired status

Retired status.

Retired Status

Retired.

Inactive is FAR too expensive.

Lower the cost to be inactive. The WSBA provides literally nothing to inactive lawyers.

Inactive is FAR too expensive.

Lower the cost to be inactive. The WSBA provides literally nothing to inactive lawyers.

more options for retired lawyers, such as retired status which permits consulting, pro bono, as well as ability to participate in free or reduced cost CLE's

See above

Retired

I have been on inactive status for several years and feel the fees should be lower.

Retirement options

While I may not personally use a retired status, I think it is important to have one for those that require it, as it is more appropriate in certain situations than inactive or voluntarily resigned.

Retired

Why does a switch from inactive to active status after 10 years require a retake of the bar exam if new prospective attorneys no longer have to take the bar exam?

Retired or part-time or out-of-state (dual licensed) active

Yes

Inactive without testing requirements

You should be able to go inactive, keep up your CLEs, and return to active without testing. We need a voluntary bar in this state.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired

Not at this time but eventually I may want to move back to active status or pro bono status from my current inactive status.

Limited practice options: friends/family, limit of 3-5 cases per year

A license status for retired members that would allow the practitioner to continue to participate in volunteer opportunities, provide legal advice to family & friends, or engage in other minimal practice activities that could be designated as in "senior" or "retired" status. Those designations are certainly more dignified than "voluntarily resigned" or "inactive" which have a connotation that the practitioner did something wrong at the end of his or her career. As a current judge, I would like the opportunity to hear a few cases in retirement which could be classified as being in "senior status," much like a retired federal judge.

None other than noted above.

Emeritus status to be able to provide legal advice pro bono and no fee

Yes, why does it take 50 years to achieve a no fee status where most of us will work for 25 years. Show lower that time to 25 years.

There should be a "voluntary retired." It is more descriptive than inactive.

no

"Voluntarily resigned" also applies to those who resigned instead of being disbarred or facing other bar discipline. To be retired allows people to know that you no longer are practicing law without raising questions about the circumstances.

Retired

Inactive is too limiting for retired bar members (e.g., not allowing participation in bar activities, volunteer work).

Retired

Inactive may be ok, but making volunteer opportunities relevant and available should be prioritized.

The ability for a retiree to indefinitely be in inactive status (my understanding is that this is only permissible for a period of years).

Given the fact that new graduates are (apparently) going to get licensed without taking a bar exam, shouldn't retirees, who already passed the bar exam and who devoted decades to the profession (including MCLEs) be able to reactivate their licenses as desired without having to take any kind of test to do so? Why should a new graduate with zero experience be treated better than a retiree?

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

These are fine - my status is inactive, as I am not practicing law - but I am working in a position that does require a J.D., and I am conducting legal analysis and education in my role- just not providing legal advice. My sense is that there are more roles like this than before. Not sure how to "honor" someone who is using her legal credentials but simply not practicing. In the end, it's fine if I am lumped in with members who no longer use their law degree and identify as "inactive."

I'd like to see more options for retired attorneys. I also did know about Inactive Status, but never knew there was a Pro Bono status.

Resigned is not the same as retired. Please distinguish.

A license that recognizes significant experience practicing law, but by someone who is not currently advising or representing clients due a change in career path. Also, the fee for inactive should be less than \$200.

I like the idea of creating differentiations between different types of inactive licenses. As long as the administrative support would not be significantly different, it seems reasonable to differentiate. For example, retired, mid-career, and early career inactive status.

Fee waivers should be license status subject to documents

As in California, the license fee should be waived for inactive members over a certain age.

Waive the license fee for inactive members over the age of 65.

Ability to provide legal services to family members.

Create a limited status that would allow an attorney to provide legal services to family members, to include parents, children (and other blood relatives, i.e. , siblings, grandchildren) and the spouses of blood relatives.

I would like to have a "Retired"-type status that allows me to participate in bar activities and volunteer opportunities. I agree that "Inactive" doesn't reflect the dignity of retirement, or acknowledge that retired attorneys can make positive contributions to the profession.

Please see my comments above. Thank you for your consideration.

No

No. Inactive works for me as I voluntary left the legal field, and the country about 6 years ago, and kept the inactive status in case I do decide to practice in New Zealand at some point in the future. Although I could see how those with a lifetime of practice would want other options, maybe something like Emeritus would work?

No

I will be retiring at the end of this year and I do not want to voluntarily resign my license.

Could there be some option for members who are retiring that would designate them as such at a reduced cost?

Inactive license fee of \$200 seems to be high, a range of \$50 to \$100 fee seems more reasonable.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

retired status - less fees, able to do some pro bono

retired status - less fees, able to do some pro bono

The license fees for inactive lawyers should be much lower, considering they can't practice law and aren't receiving much, if anything from the bar association.

Like the teaser scenario described, I like the idea of a "retire from active practice" option. Thank you.e

there should definitely be one for retired attorneys

no

I would like to be retired as opposed to having to pay to be inactive, but with the option to come back and practice later if so desired.

Retired status and Retired Judicial status

Lower costs all around and retired or semi-retired options. For a big firm WSBA dues are an easily absorbable cost of business. For a solo, retired, or semi-retired attorney, the current amounts are insane. For inactive, \$200 is a huge chunk of change for someone who has gone back to school or is raising a family, &c. WSBA keeps prioritizing clients over the members. This would not be needed if we disbarred the snakes.

As above, lower costs all around and retired or semi-retired options. Solo should be a considerably less expensive option than a big-city, big firm practitioner. There is a lot of economy of scale in larger cities and larger firms. These do not exist for many solo or semi-retired practitioners. I try to help people who can't afford the big city prices, but I have a very hard time when my insurance and bar dues are artificially inflated. I get nothing from WSBA. You only take.

something between inactive and active. allow some limited practice

no

no

retired

Is there a less burdensome way to participate in the Bar without meeting full CLE requirements

Corporate counsel out of Washington jurisdiction

The "inactive" status \$200 fee that is paid annually feels like extortion to keep a license that can be reactivated. It would make more sense to have a one time inactive fee and a one time fee to return to active status.

I support adding 2 categories for retirees: one for a retired attorney and one for a retired judge. Both options should allow the retiree to participate in bar activities, volunteer opportunities, and even provide assistance to pro se litigants or to assist the court with guardianship needs.

I would call it Senior Status (or something similar). Senior Atty and/or Senior Judge - pay \$50 per year and allow your seniors to provide help with bar, bench, pro se, and other activities that add to the public good. They could even receive pay for some services, so long as it is understood that they are no longer practicing attorneys or judges.it is understood that

The inactive open probably means one cannot practice law in WA, but having bar licenses in other states or DC allows the inactive member to practice law.

I like the idea about retired, but having been inactive because I'm licensed in DC, I would hesitate to practice in WA. I would like to be able to advise family.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

a retirement option; many of us become judges toward the latter part of our career and thus only have 20-25 years in the judiciary as our last legal occupation before we retire; the "honorary" should be lowered to 20 yrs as a judge or at the very least have a "retired" option where we could continue to attend legal lunchbox, advise family members, etc

no other than as I noted above in my answer to #3

A retirement category

Yes, a retirement category for those that have long practiced (in good standing) and would like a different category than "inactive."

no

When I retire from practicing law how can my status be described?

Retired

You make retired judges pay standard bar dues. Many want to pro temp but do not want to pay the fees. You should consider a different fee structure similar to the pro bono.

Retired (after long career 20 years but not 50 years)

Voluntarily Resigned sounds like you are avoiding a suspension and is demeaning to a 40+ Carter in law.

I would like to see a voluntarily retired (non-disciplinary) status added

No

Retired

There should be an option for someone not actively practicing who wants to maintain CLEs to be able to revert back to active status should they desire.

Allow to practice pro bono while not fully "active"

see answer to #3 above

Licensed but not currently practicing in the state (an option other states have)

I would like to see a middle ground for out of state lawyers who do not want to be entirely inactive.

I'm pondering retirement. If I retire and later change my mind, how hard is it to reverse the "inactive" designation? How long can I stay "inactive" before requesting active status again (without needing to re-take the bar exam)?

There should be a retired status or something similar.

A retired option with a limited ability to help friends and family for no fee would be nice.

The license fee for inactive members seems rather high, given the many restrictions that come with this status.

In favor of a retired status, please add.

Less expensive inactive status for individuals working in long-term careers adjacent to the legal profession which do not require an active license.

See above.

Retirement option

No

retired

no

Yes, the options meet my needs now, but agreed - should add "retired". Would like to have that option when I do choose to retire.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

It would be appreciated if there was a retired category, particularly one that allowed pro bono activities and the ability to represent oneself.

would be appropriate to have a status that recognizes years of membership in the bar (for example, i served the legal community in Washington for 32 years) and it seems odd that i must pay \$200 per year for the simple ability to participate in bar related events

a status that reflects retirement rather than simply "inactive"

A lower cost inactive option

Not for practicing members. As a judicial officer anticipating retirement after the next election cycle I would like a license option that allowed me to continue to provide legal advice/representation for family, do pro bono work (including for local non-profits that are not QLSP) and maybe sit as a pro tem judge on a limited basis or for conflict cases. None of the current (other than "active") license options would allow those activities in combination. I would also encourage the WSBA to think about including a retirement status which would allow for retired members to specifically help out with the current public defense crisis (which the new standards will exacerbate exponentially).

Retirement license options. Inactive is too restrictive unless you just want to be done with practicing. Voluntarily resigned flags a negative flavor as that is often the off-ramp for discipline issues and doesn't recognize the difference in a true retirement after a career.

The "retired" status is common in other jurisdictions where I am licensed. It provides clarity to the public who rely on seasoned attorneys to provide pro bono work. It is also respectful to attorneys who have long-served the bar and wish to provide pro-bono services during retirement. I encourage the WSBA to add this license category.

Would like to be able to advise family and friends on inactive status

I am a public interest lawyer who holds licenses in New York, California, and Washington. The reason I keep my license inactive is purely due to cost. If there were a way for me to not face such an expense I would keep my license active. Also, I would want clarity that my work for my public interest organization, providing pro bono representation, would permit me to pursue the pro bono license status.

cost abatement is likely to be a reason for members to seek non-active license status options,hence more cost abatement arrangements should be an important priority.

Retired

Add Retired status

I am retired and do not wish to practice law. I would like to be part of my profession even though not practicing. "Inactive" does not adequately address that. I would like a more respectful status, and a lower annual fee.

I suggest "retired" status or "senior" status with no or limited ability to practice.

No.

I am retired but can't bring myself to give up my license so I've gone Inactive. Inactive is a pricey option for just keeping my license. It would be great to have a cheaper option that still allows for re-activation.

See above for an alternative option for retired and inactive practices

What is missing from the current license status options?

Do you have any questions or suggestions about the different license status options available to members?

When an attorney retires from active practice I think the designation should be "retired". If a retired attorney wishes to provide pro bono work through a QLSP, the designation should be "retired providing pro bono legal services". A retired attorney providing pro bono services should not be charged a license fee regardless of the number of hours she/he provides through the QLSP.

Would like to see more activities added to the inactive status including some limited practice. perhaps in conjunction with an active member.

As an inactive attorney, I am not entitled to be a member of the Family Law section of the Bar. I am not interested in being a voting member of the Section or holding office but rather would appreciate the discount available to active Bar members who wish to attend the mid-year conference.

A retired status like the one proposed in Ms. MacGregor's email would be great.

I do like the proposal for subcategory "retired status," under "inactive." After more than a decade of active practice status, I went "inactive" when I left practice for academia. I have since retired from academia, after 30 years of teaching, but enjoy keeping abreast of Washington Bar issues. I agree that the "retired" status offers a measure of dignity to those of us in that subset of the current inactive status.

More options for retirees needed

What is missing from the current license status options?

Do you have any questions or suggestions about the different license status options available to members?

I have retired due to side effects from cancer treatment impacting long-term fatigue but that same situation applies to others who either were originally licensed later in life and won't ever attain 50 years of practice or to individuals who take more than five years of a "mommy" or "daddy" track in life. Effectively the current policies are exclusionary to different life paths and older initial licensees. For example, I would prefer to remain on Inactive status longer than the allowed five years. Effectively, I am forced back on Active status at a much higher fee (with no income to offset that fee) even though not practicing because I would risk having to take the bar exam again to go active later in life. The only practice I envision happening later in life would be when my parents and husband pass away and I handle their probate (which was in my area of practice). Being able to go back active after a period of time longer than five years is what is missing. My Texas license allows for that and at a much lower annual price (\$50 instead of \$200). I would advocate for a lower priced Inactive status as well as no time limit. It is fine to require up to 45 hours of CLE before activating again and also a one-time administrative fee (reasonable amount) to go back Active. I stay current in my chosen fields of practice by reading bar news, etc. and CLE would be appropriate but a full bar exam not only not appropriate but likely at that future date also not feasible - and frankly not areas of practice that I would ever encounter again.

An Inactive Status that is longer than 5 years without risking having to retake the bar exam.

Retired and Semi-Retired

Is it possible to have a semi-retired status that would allow attorneys to be of counsel or does pro bono cover that?

Option to provide limited legal advice but only minimal bar dues.

no

There should be a dignified way to retire, other than "voluntarily resigned", which sounds like "quit before they fired me". Also, inactive members should be allowed to counsel family and friends on a non-paying basis.

"Retired" status

Given that the Supreme Court will now let any joker get a law license, I'm not sure why you're spending any time on this. You all won't be happy until you've removed all dignity and seriousness from the practice. It's a shame.

Retired status

No

No

A status for retired attorney's who no longer practice but would like to remain active in the bar.

create a status for retired attorney's who no longer practice but would like to remain active in the bar that does not require a fee.

What is missing from the current license status options?

Unclear if "Inactive" would work for me; if it doesn't, something else might be useful.

Some type of honorary status for retired or semi-retired members.

inactive doesn't meet the needs of retired members who might need a very limited ability to practice for themselves or family members; honorary judicial requiring 50 years is not reasonable

Retired

option for limited practice in retirement

retired or limited part time practice designation- voluntarily resigned sounds negative like the atty. did something wrong

Volunteering with nonprofits. Volunteering to work with students in moot courts and related educational activities.

retired

Simply "retired" instead of "inactive"

Retired

It would be nice to have a "retired" option that allows for participation in WSBA events and committees.

retired status

"Retired," which means no longer working but able to provide minimal or personal legal services or volunteer services

A "Retired" status. Inactive could be for a variety of reasons, many of them negative. "Voluntarily resigned" definitely suggests resignation in lieu of an investigation or sanctions of some type. "Retired" is widely understood to mean just what it says, and does not suggest something more.

An "Inactive Attorney" should be able to run for/serve on the Board. Inactives pay license fees, and may become active again at a later date.

Do you have any questions or suggestions about the different license status options available to members?

I'm unclear if there is a different CLE requirement for inactive; whether I could continue to provide the "law-related services" I currently provide.

There should be another level for semi-retired or retired lawyers that dignify retirement.

I like the new proposal

N/A

Those who retire from the practice of law should not be treated the same as someone who "resigns."

retired rather than resigned

Allow retired and part time practice with reduced fees but still CLE requirements- something like license still valid

The status options are not realistic for the skill level of a 'retiring' attorney. I'm not sure who drew them up but they were not talking with those of us who are still very active in our communities but treated like second class citizens by the Bar.

No

Not specifically a licensing status option but specialty certification should be established.

Yes. Use "retired" instead of, or in lieu of "inactive". I presume people could "unretire" just like they could go "active" again.

A "retired" option would be better than "resigned". "Resigned" sounds negative.

I like the idea of something like a retired status. I'm nowhere close that, but I could see the pain of just letting go, especially because I could see scenarios, like volunteer situation, where "a retired lawyer is better than no lawyer at all" or where they could continue contributing their wisdom.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired but able to do limited practice

No

retired status with some ability to practice

retired should get bar news, should be able to practice in some limited capacity

Inability to provide legal advice to family/friends on a limited basis since "inactive status" prevents a bar member from doing so. WSBA has literally thousands of its members who are inactive.

Tim Callahan

Add "Retired" with little or no dues but ability to offer limited legal services pro bono other than thru a QLSP with requirement to keep CLE credits current

retirees who wish to offer limited services other than thru a QLSP - keeping CLE credits current - but who no longer maintain a practice

There isn't a category that recognizes some sort of retirement status that allow limited ability to practice. Perhaps in some specialized area of the law.

Perhaps a Qualified retirement status which would allow ability for limited practice in predesignated areas of the law. This might allow limited CLE in this area.

N/A

Retired status with limited ability to provide advice to family members

no

The "honorary" status seems very restricted. Why impose a requirement of 50 years of prior practice? There should be a "retired" option that is not so restrictive.

no

retired judges to act as pro tem

Would be beneficial to have the ability of retired judges to have a status for the ability to serve in a limited capacity as a protem

I am inactive after retirement. I practiced for 35 years. It would be nice to still be bale to advise family and friends. They don't seem to understand when I just say 'I am basically no longer a lawyer...!'

I am an honorary member having been a member of the Washington bar for over 50 years. I would like the ability to represent my daughter in a special education proceeding regarding one of her children and to a limited extent to other members of the family.

I would like the ability to provide limited legal services to family and friends on a pro bono basis.

Active licensure after retirement. The ability to continue practice in federal court or other states.

Please see # 3 above.

It would be nice to have a license option for lower income earners.

I went inactive after my cancer diagnosis. Now I am feeling better. I would very much like to have the ability to give back by providing volunteer / pro bono services, participate or serve on a bargaining , in addition to the ability to represent myself or family in case there is a need.

For people who are retired, perhaps the same opportunity as well.

"Retired"

Retired; Ability to act as Judge Pro Tem

Create a retired status that allows retired judges to act as judge pro tem.

No questions/suggestions.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired instead of voluntary resignation. The VR category sounds like you gave up your license to settle a misconduct issue with the WSBAp

Yes see above.

Senior status . Similar to Idaho's Would be satisfactory.

Totally Inadequate without senior status.

The method to charge back to active from inactive was not clearly defined on the WSBA website. I seem to remember that the materials seemed to say that taking the bar exam may be required. Also I spoke to someone at the bar who was quite helpful and provided information that I didn't see on the website about needing to keep up on CLE's and the free ones from the bar and about the approved pro bono list. I am sure there many other questions I will have in the future as I just retired but I may just never go back to practicing law. I do think the cost of inactive status is too high but I just wasn't ready to cut myself off from the emails from the bar etc.

I think those on the inactive status should be able to vote and serve on the board.

A retired option

Expand the Honorary (and expand??) status to accommodate broader needs

Retired Status--probably similar to inactive

See above

The ability for retired members who do not wish to pay the full active fee or fulfill the CLE requirements to give informal advice to family and friends.

I like the suggestion of a retired status. There should be no fee or a much lower fee than now for the inactive status and for a new retired status.

An option that does not reflect the inference of disciplinary action (voluntary resigns) or Suspension By the Wa. State Supreme Court.

Retired; Retired with Honors; Retired with Honors in Good Standing' Retired in Good Standing.

retirement status

see above

Do not charge so much for inactive status. \$200 is onerous for many of us.

Retired option

The amount inactive pays.

Yes

Retired

No

An opportunity for less than full licensure status that allows retired lawyers the opportunity to remain active on the bar and provide limited legal advice to family members.

I believe that Pro bono work is to be encouraged, whatever the amount. It should never cost money to volunteer and provide valuable legal services to the needy.

Retired (to distinguish from Voluntarily Resigned)

No

I do believe there should be a "retired" status. Voluntarily resigned could give the impression that someone resigned in lieu of discipline.

Add "retired" as an option.

No.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Simply add a "retired" option. "Voluntarily Resigned" sounds like someone resigned in lieu of discipline. There should be a way to simply "retire" and not renew your bar license.

See above.

yes - please add Retired (not practicing any longer in any capacity) and/or Emeritus (no longer accepting financial compensation for legal services but still providing pro bono and informal advice)

Retired and/or Emeritus

Another category that would reflect retired with limited ability to practice and engage in volunteer opportunities.

Why charge an annual fee for inactive status?

An option for retired practitioners which recognizes their service to the profession and allows them to pay a smaller fee, and retain access to bar services and allows them to work in a more limited capacity than full practice.

With the potential of retirement on the horizon, I believe that something reflecting that the attorney has retired would be appropriate.

see above

Judicial and adjudicative bar fees should not be so reduced. There are many practicing young lawyers who make a fraction of the income but yet pay significantly more in bar dues than those who are able to afford such given their position and should at the very least be the same as those providing pro bono services. A retired status that allows those to participate in other activities would be a positive option to help those transition. Those who have been disciplined and elect to "voluntarily resign" in lieu of should not be permitted to maintain a retired status and benefits that come with that.

The options before the recent announcement? Or since?

Not at this time. I am not close to retirement.

Should be category for "Retired."

No

These categories meet my current needs because I am practicing full-time. Whether they meet my future needs depends on the ease of moving between these categories.

Something that allows a little more latitude in helping family, and more flexible options for pro bono work.

I think I understand the current options. As things stand now, I would be able to remain "active", but I think our members deserve other options.

Ability to practice law after retirement for family or friends on a reduced WSBA license fee basis

Allow members retiring to practice law for family for friends on a pro bono basis for a reduced WSBA license fee.

Retirement status.

Establish a category more respectful to those attorneys that served and chose to retire.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

No, but a retired status would be nice, so long as it does not permit the practice of law.

There should be a category for retired, semi-retired, or "of counsel," simply to indicate the actual status of the individual.

I think "of counsel" or "semi-retired" would need to carry the same responsibilities for CLE and general responsibilities of a practicing attorney if full practice.

An option for members, who retired from the bar in good standing.

We should have an option that says, "Retired Status". However, this option should only be available for those, who have practiced for at least 15-years and have voluntarily resigned.

we could/maybe should even do a retired active volunteer license like the meds do (see WAC 246-919-480)

In addition to a retired active volunteer status like I mention above (WAC 246-919-480), I like renaming the option for just plain retired and not practicing. Recently, I actually looked up what the current status meant, wondering if a lawyer I was looking up got in trouble and he didn't; he just had retired.

please include a retired choice

no

One that reflects retirement rather than resignation

retired option that allows me to participate on boards, etc.

A "retired" option or something similar

An option similar to the "honorary" status, but requiring 20-30 years of active membership, would be a helpful option.

Didn't know about the pro bono option, that is great. I think the proposal of Retired Status or Retired w/Pro Bono would be good options.

A "Retired" status

Retired judge status with ability for limited practice should be added

Retired /Former Judge

Add a "Retired" status

a "retired" status as described in the opening statement.

I am on active status in WA and inactive status in another state, where after age 70 there is no fee to maintain that status.

Retired

Retired should be a status category

"Retired Honorably"

No

I am active now but heading towards either of council or retirement practice. I have heard the frustrations from others about the absence of other choices. I would like a status that would allow the opportunity to continue to participate in bar activities, volunteer activities or give legal advice to family members and friends.

See answer to #3.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

In February 2024, I sought to change my membership status to inactive due to disability, which would have waived the \$200 annual fee. However, I discovered that if I sought the status of inactive due to disability, the fact I was disabled would be a matter of public record (e.g., my disability status would be listed on my membership status on the WSBA web site. I viewed the WSBA as effectively requiring me to pay \$200 annually to the WSBA if I wished to have inactive status, but keep my disability status confidential. As a result, if I wished to keep my disability status private without being forced to pay \$200 annually, I saw no reasonable option available other than resigning my Bar membership, which I did in February 2024. While I have no objection to the Bar requiring documented proof of disability in order to go on inactive status without payment of the \$200 annual fee, I see NO valid reason an inactive member's disability status should be made public information, rather than kept confidential. Effectively, I see the WSBA as demanding an annual \$200 "hush money" payment to keep an attorney's disability confidential. This is outrageous.. Effectively, I

See my response to #3 above. I believe members who wish to go on inactive status due to a disability should know that the fact of their disability status will be kept confidential by the Bar.at such

Ability to offer pro bono services to clients outside of QLSPs after retirement. Perhaps a limited license option.

As I face retirement very soon, I would like to continue to assist parties, especially elderly and those in facilities, with their Wills, POAs, and Health Care Directives, without charge.

no

What if a retired attorney wants to do pro bono but not a QLSP

A category for lawyers who have retired (rather than moved or given up their practice) who want to remain active in the Bar.

For 99% of members, there are only two options available: Active or Inactive, which are like day and night.

There should be a "retired" option/inactive is too broad.

Although mid-career, I don't see myself taking advantage of either the honorary or pro bono license types.

ability to give unpaid advice to family and friends; ability to give pro bono advice

no

No

"Retired" should be listed for those who opt not to renew their licenses and are not surrendering a license to practice in another jurisdiction or in lieu of discipline.

The Inactive status has a time limit, right? I am a practicing attorney in another jurisdiction and would like to maintain by Washington license as long as I practice. I'm happy to meet the CLE requirements and appreciate the reduced fees.

An in-house option might also be a good to inactive. I am in-house at a company with a presence in Washington, but I physically practice in another jurisdiction. I'd like the option to be available to my client as needed, but as in-house counsel would not represent the company in Washington municipal and state courts.

Retired status

I understand the bar is considering adding a retired status that may allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only. I support this option.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

No

No

I believe 'voluntarily resigned' for those who retire from or otherwise leave practice in good standing should be changed. The phrase to a degree implies, in the business world, 'would be fired but was allowed to voluntarily resign'.
Something more dignif

recognition of an honorably retired status

Yes. Add an honorably retired status category that does not require dues or CLEs.

Retired

How do we track the pro bono hours to see if we qualify for the pro bono license rate?

A retired lawyer should be listed as retired not resigned, it sounds bad as if they resigned to avoid getting kicked out. A retired lawyer should have a limited practice to family members and pro bono.

Do away with voluntarily retired and make new retired category.

Retired

Retired

YES. You HUMILIATED my father by the way he was treated when he needed to resign at 85 years old. WHY? Just make a category so practicing attorneys can RETIRE without it looking like they escaped discipline by the skin of their teeth.

retired. "voluntary resignation" does NOT meet the mark.

Why do inactive members still need to pay a fee? California waives it after a certain age. I am 76.

Retired Status

Retired category for those at least 65 who have practiced for at least 20 years. Other aspects same as honorary.

I think it would be difficult to police, but I don't really get my moneys worth because I don't practice in WA State - but it's my home state and I'm rettisent to give it up. I was Inactive before, and moved back during Covid - the process of going Active was trying and I maintain and active license now which I don't really use.

Not Practicing in WA State, but want to keep options open for future. (Switching between Inactive and Active was cumbersome previously.)

A retired option that allows for some ongoing bar activity and limited practice for family

See above

Mostly retired retired limited practice

There is no retired status that permits me to represent or provide legal advice to family members. Inactive is not the same as retired.

Come up with a retired option.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

First: WSBA needs have an "Emeritus Status", similar to Texas, for attorneys over the age of 70. Texas Attorneys 70 years of age or older are exempt from paying membership dues. But not exempt from CLE requirements. Second, WSBA needs Senior (over 65) attorneys that go on "Inactive" status with authority to provide "limited" legal "advice" to immediate family members (children, siblings, parents). "representation" while on inactive status would be limited to authorization pursuant to existing "Power of Attorney" rules.

As Attorneys reach senior (over 65) status, practice (and income) winds down, but the dues and CLE requirements stay the same, which has the effect of making a lot of senior attorneys opt for "Inactive" or "Voluntary Suspension" simply because maintaining any form of "active" status is cost and time prohibitive. Driving senior attorneys to drop out of the WSBA serves no ones interest.

Retired Status

I retired from public defense after 33+ years of service to Pierce County. I'm considering quitting the bar because I'm not interested in paying \$458 a year just to keep my options open. There should be another classification for people like myself who is just 61 years old and still has an interest in bar activities (county or state). There should be another category in case I wish to consider returning to the practice sometime in the future. I don't oppose continuing with keeping up with CLEs.

"Retired" should be added as an option

There should be a "Retired" status and/or an Honorary status after more than 35-40 years of practice.

After a 40-year career, I am now on inactive status. However I would like to be able to give legal advice to the small nonprofit organization on whose board I sit. No money changes hands, I just want to give advice on small matters without violating Bar rules.

Add pro bono or unpaid community service as being permissible under inactive status.

As a retired judge, Of Counsel for a small firm and currently serving as a hearing examiner, the Active status does meet my needs. However, in the near future I will be retiring and at that time I would appreciate the opportunity to have a "Retired" status and the ability to continue to serve the public in ways that status would enable. Thank you. Judge Stephen R. Shelton Ret.

Ability to do limited pro bono / family services after retirement

RETIRED would be one and Retired with Limited Practice Rights as another

Retired should be replace "voluntarily resigned" and "Retired with Limited Practice Rights" should be an option for like 10 year, promising to work not more than 15 hours per week, with reduced CLE and reduced license fees.

I can't imagine that very many people care about this issue.

Retired Status that permits giving legal advice to family and friends, and pro bono work, etc

Retired status

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Retired

Retired status

Retired status would be very helpful

I agree with the idea of a retirement status allowing representation of family members, participation in bar activities and even some pro bono, outside of the formal pro bono group.

see above

I believe a "retired" designee is a good option and should be available.

A retired status would would eliminate any questions about why the individual has voluntarily resigned. At a minimum, that would be a more respectful designation. It would also be helpful if there were a broader pro bono status to allow people to continue to help the non-profits organizations and boards they already volunteer for.

I do think "retired status" would be good that, among other things, might allow the practitioner to continue to participate in bar activities and volunteer opportunities, maintain an inactive license, or give legal advice to family and friends only.

It would be nice to have a status for retired lawyers, other than "Inactive". The vast majority of retired attorneys would not have been members of the WSBA for 50 years before retiring.

Please add a "Retired" license status with a fairly nominal annual fee.

Some type of limited license so that you are not considered "terminated" because you want to retire or do certain activities

As a retired lawyer who was licensed for 43 years I would like to be able to give legal advice to family and friends.

As a retired lawyer who was licensed for 43 years I would like to be authorized to give advice to family and friends.

A status allowing for attorney status but limiting the scope of the practice of law. For instance, an owner of a private practice who does not directly do client work.

Why is the pro bono status limited to doing work for QLSP? That doesn't make sense.

"Retired"

I don't like the idea of retiring after a distinguished legal career only to have the same published status as a lawyer that voluntarily resigned in lieu of disbarment!

A more dignified status for those who retire from the practice of law, who have years (20+) of experience, and are still capable of providing legal advice in service of their local community, or family members.

Not at this time.

The judicial option is only allowed for Judges in Washington State I am a judge in Idaho at the Coeur d'Alene Tribe. \$200 is a bit steep for an inactive license. I would like to see the rule to apply for any judge who are members of the WSBA. are members of the

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

An inactive status option that is easy to reverse to active status (I am inactive in CA and merely pay the difference to return to active status). WA makes it unclear whether a lawyer could be required to re-take the Bar exam to return to active status.

Could there be an emeritus or similar status that would require low or no Bar dues and allow an attorney to work pro or low bono?

I have practiced law since 1972, including eight years as a Judge Advocate in the Air Force prior to entering civil practice in Washington. I am on the verge of retiring from the firm of Randall | Danskin, P.S., and I would very much appreciate something like a "retired status" that might allow me to participate in bar activities and volunteer opportunities, or give legal advice, limited to family and friends, while maintaining an inactive license. FYI, inactive attorneys in California who turn 70 do not pay licensing fees, beginning the following year..

When I contacted the Bar, I was only told I could retire or renew my licence. Nothing else.

I think that the Bar could have been more helpful. Now that the Bar exam is no longer required, there should be some info regarding retirees and license reinstatement, too.

I am in favor of a new designation for members who are retiring or otherwise leaving the legal profession and want a license status other than "voluntarily resigned" or inactive. I am in favor of "retired status."

Retired or some other status for not practicing

Retired should have no fee because we paid into the WSBA for our entire career.

I agree that adding a retired tier makes sense and support that change

I am in favor of adding an additional category for WSBA members who leave the legal profession and would like a license designation other than "voluntary resignation" or "inactive."

Something that allows me to be semi-retired while taking on casework for family, friends, pro bono that interest me and allow me to still function as an attorney.

No questions. I went inactive for one year and then returned to active because I was getting to many requests for legal assistance from friends and family.

I do not like the all or nothing approach. If a member has many years of service and has reached a certain age, there should some intermediate status where they can still do a realiv's probate

no

retired

While not currently applicable to me, I agree something such as "retired status" should be added. Also, the fees for inactive status or unreasonably high.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

retired, or also some sort of part time practice designation

I believe that a "retired" option makes sense

No

A retired status that provides for some participation in the bar and some legal advice - limited practice in areas such as charitable and non-profit volunteer activities

See 3 above

A status reflecting retirement that allows some level of participation in the bar and reduced services to family.

We should add the status I've mentioned above.

Retired. Still a productive Member of Society. Still able to amble up to a bar at Bar functions. Still able to tell the family members when they are not doing as they should and still able to respond to the neighbors' and shirt tail relatives' legal questions.

no

There seems to be no justification for a license fee of \$200 for inactive status at 44% of the cost of active status merely to receive the bar news and participate in the Legal Lunchbox Series. Either the fee should be drastically reduced by at least half to match the benefits, or the benefits should be increased to match the fee.

Retired

I think there should be more options for attorneys who are mostly retired. I like the moniker of "retired status" or a similar term that gives a bit more flexibility and sounds more professional than "voluntarily resigned" or "inactive". I will be qualified for Honorary status this year but typically if a family member or friend asks me what I think about some legal issue I am apt to tell them what I think, which should be allowed in my opinion.

Please refer to my prior answer.

While it is not necessary yet for me personally, I am of the opinion that a designation for retirees would be beneficial.

A "Retired" status option

I think an option status for retired members would be a good addition.

Retired

Allow for retired in addition to withdrawn status.

Retired but does not want to give up my license in case a friend gets in trouble.

Semi retired?

No

I am in favor of the additional "retired status" language.

The category names all seem fine to me.

Retired Status - Approved for volunteer and pro bono practice

No

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

"Retired", which would limit the ability to practice law except for pro bono and volunteer activities, allow participation in Bar activities, and the Bar News upon request.

I like the idea of a "retired status" license.

I would like to see "retired" as an option.

Inactive status is vague and does not properly reflect the hard work of a lifetime. There should be a retired status.

Retired

A limited license for semi retired lawyers, allowing them to take 1-2 cases per year.

Retired

no

Retired and/or Senior status

no.

I would like to be able to provide volunteer/pro bono services

I like the idea of the retirement option.

An important consideration is whether CLE is required

create a new category: retired emeritus

a retired status that does not cost as much

allow a retired status for a one-time nominal fee

Having had to resign to cease having to pay fees and CLEs, I can no longer call myself a lawyer, retired or otherwise. My friends still call me a lawyer and I find myself having to correct them and say I am not a lawyer and can't call myself that.

Ability to continue to receive the bar news. Even though retired, I am still interested in what is happening with the bar.

A "retired" status that allows volunteer activities with the Bar association and volunteer work with non profits, churches etc of which I am a member and people might look to me for guidance around legal issues but not necessarily legal representation. Retirement doesn't mean an end to thinking - about the lawn or related concerns.

No questions, but I think "practice law" is such an all encompassing concept that someone who has had an active license to "practice law" for many years might be very disinclined to give up that license because doing so feels as though you're suddenly not allowed to think or communicate "like a lawyer" anymore.

Advice to family & friends. Retired status and/or Honorably retired after practicing 50 years

I attained QLSP status right before the pandemic. However, once the pandemic hit, the organization could not support a remote volunteer. After a year of not being able to volunteer, I resigned, not wanting to pay the \$200 annual dues for something I couldn't do. So, I guess, I may have held on a bit longer if I hadn't have the dues to pay.

more flexible volunteer policy for retired attorneys

A "retired" designation. Also, if doing only pro bono there should be no dues and after 25 or more years of practice if only doing pro bono there should be no CLE requirement.

See above

What is missing from the current license status options?

I'm on inactive status and know what that meant when I did it and took an oath not to practice law which included giving legal advice. I warned my family that if they wanted any advice for me, they should get it before I went in active. I find it very inconvenient for the most part not to be able to give the most rudimentary suggestions to my family Regarding legal matters. I'm not talking about representing them in anyway, but only helping steer them in the right direction. It would be helpful if there was an exclusion to the inactive, limitation that permitted this kind of interaction with family members.

Do you have any questions or suggestions about the different license status options available to members?

I have no opposition to a retired option.

Bar should consider amending the definition of practice of law or the oath for inactive lawyers to allow for informal discussions with family members, particularly children and spouses, regarding legal matters. Presently.

Particularly the website indicates retired practitioners as having "voluntarily resigned." To the community, this has the appearance that the resignation may be due to pending discipline. Particularly as to practitioners who have represented the bar and clients honorably for an extended period it lacks the dignity which should be afforded to retired members.

Retired Status

No

retired status or status that reflects no new clients, just processing L&I pension clients money and collecting fees already earned

Is there an option for me that would allow me to continue to process my L&I clients's pension checks and collect my fees already earned other than "active status"?

Add another category such as legisperitus emeritus for long-term (more than 40 years) attorneys who may want to continue practicing law on a limited basis, especially for community non-profits or in public service areas.

I am an active member, therefore have no need for an additional status. However, I agree that "Retired" or "Retired-Inactive" should be an available option for our colleagues who contributed to our community.

Retired Judges who wish to continue to sit as a pro tem judge after retirement.

There should be an "Inactive-Retired" option to honor members who have served. or "Inactive-Voluntary Leave" the voluntarily resigned has such a negative conotation. I also don't know why we don't want some of our retired members to volunteer on committees.

Retiree status with limited ability to practice

add Retiree status

Retired

Voluntarily resigned may have meant doing so as to not get suspended or disbarred.

fee is too high for inactive

once you retire-it should show this

No current option for retirees who may wish to maintain inactive status while also being allowed to represent family members.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

A Retired Status

Allow members to be inactive indefinitely or provide some other category that recognizes the long years of work and doesn't require them to give up what has been their lives.

Colorado has a no fee inactive status for 65+. It would be nice for WSBA to offer something similar, or for your \$200 you might be able to remain on Boards, helping non-profits, doing education work etc. The pro bono does NOT seem to address this.

Retired or Honorary and not allowed to practice law if CLE requirements met

I think it makes sense to have an option for retired lawyers to be able to practice law so they can volunteer while retired rather than paying the full fee to keep an active license

Suggestion: honorary or retired should get WSBA Bar News and to practice if meet 3 year CLE requirements

No

A status that allows a retired lawyer to give advice to friends and family.

retired status; ability to practice if admitted in another jurisdiction to practice in Wash pro hac vice

no

1. Retired. 2. A distinction between lawyers that attended an accredited law school vs lawyers that did not attend an accredited law school. This distinction should be made known to the general public because there is no substitute for a formal law school education.

See my response to #3 above.

Retired option

Have a retired category with nominal dues of less than \$100

The current options meet my needs now, but when I retire, it would be nice to have a status option as suggested. There was no such retired option for my father after a 35-year legal career in another state and after not wanting to pay excessive dues was forced into "resigned" status. I agree that better options are necessary and desired and after paying a career's worth of bar dues, the annual dues should be around \$50.

If someone retires, there should be no question they did so by choice. Designation of inactive or voluntarily resigned begs the question of whether discipline was involved and tarnishes one's exit from the practice. There should be another category such as "retired after x years of practice", etc.

Retired status

WSBA status listings for retired members should include "retired" to honor the dignity of retirement after a long career

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

When I retired after 48 years of practice, my status was listed as "voluntarily resigned". I agree with the statement above that the phrase "voluntarily resigned" does not convey the dignity of retirement after a long career. Perhaps the simple accuracy of stating status as "retired" in a case like mine avoids the possible adverse implications of "voluntarily resigned". Also, please consider acknowledging the retirement of a member with a formal letter from the WSBA--the current practice of sending a rather curt email is disappointing at best. The decision to retire one's law license is serious and life changing--the WSBA's acknowledgement of it should reflect the gravity of the members decision and dignity of the member's service.

Retired status but still want some of the benefits and to serve on committees

I would like to see a status reflecting a 'retired' status with the ability to practice on occasion without having to pay the full, out of control annual fee.

Not at this time.

I practiced law for close over 40 years. I have retired and at this point gone inactive. I agree that voluntarily resigned just sounds bad and I am not sure I want or need to continue with inactive status.

How about the military equivalent of honorable discharge? Honorable retirement or something like that?

I intend to continue with volunteer legal services after retiring from a very active trial practice. I currently assist two local non-profits with legal issues and serve as an adjunct discipline investigator. Maintaining a full active license, with the associated CLE requirements-- will impact my decision to continue to provide volunteer services. There is no benefit to continue with CLE requirements at this stage of my career-- over 34 years of the practice of law. The additional consideration is malpractice insurance. I am in favor of a new status for lawyers that have over 30 years of active practice -- eliminating the CLE requirement and reduce the cost of a license, so those lawyers that intend to perform "free" legal services can continue to do so.

See above -- remove the CLE requirement and reduce the license fee

Retired

Make one new one for retired individuals.

Retired status

NO

Attorneys not practicing law do not need to be involved in the bar. We do not need to spend time or effort making retired attorneys feel good about themselves and those who are not in active practice should not have any voice or vote in current bar operations or policy.

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

Emeritus (should encompass pro bono, or any retirement status, so as to encourage/make pro bono easy)

Emeritus ((should encompass pro bono, or any retirement status, so as to encourage/make pro bono easy) ; also the rule requiring retaking the bar exam after 10 years of inactive remains unnecessary and gender-biased.

A retirement option and/or informal practice with close familial relationships without the need for insurance.

See above

Semi-Retirement

Went through this in other professions. If you there is no opportunity for part time in retirement the profession loses valuable experience.

Being allowed to give legal advice though retired and not actively practicing.

Allow more practice to inactive status, change title

The ability to do some legal work for family. Everything must be linked to pro bono representation.

I like the idea of a retired status.

Retired status

n/a

There should be something for recently resigning or inactive that allows for broader pro bono or providing services for family/friends. I'm recently not practicing, and feel like given I am current on CLE just not paying to be active, there should be some status that feels more akin to my currency in practice. I am not sure what I am getting at this moment for my \$200 in fees and I'd like to do pro bono like easy legal clinics, without the admin required of the pro bono status and limited opportunities available through that.

I like the suggestion of "retired status" or something like that, a category other than resigned or inactive.

See my answer to #3

Voluntarily resigned attorney assisting lay persons with filling in forms accessed from the Washington State Courts website.

Maybe

There should be an easier option to return to active status from inactive rather than have to retake the bar, no matter how long the attorney has been inactive. This is the process in other states such as California. This is especially true now that new attorneys will not have to go to law school and pass the bar.

No

Retired status

A person who has practiced for a number of years and then retired is not the same as someone who has chosen to become inactive.

I would like to see the "Voluntary Resigned" option included.

Retired status

Do you have any questions or suggestions about the different license status options available to members?

What is missing from the current license status options?

"Retired"

Look at what the Washington Medical Commission offers its members who retire; the WSNA (Nurses) offers a similar retired license status. The medical community recognizes the dignity that their profession bestows upon a person and doesn't remove that when they retire. I think the bottom line is people don't expect to practice when they retire (excepting emergencies of course) but they would still like to be referred to as a Doctor or Lawyer. "Inactive" sounds like you're on sabbatical not retired.

Something more easily used in conversation than "voluntarily resigned."

Represent family members.

A honorable medium for retired attorney's or others that still wish to contribute to the legal community

Create a honorable medium for retired attorney's or others that still wish to contribute to the legal community

Retired

After practicing law in this profession it seems harsh that the bar would require members in good standing to "voluntarily resign". This has a negative connotation to it and does not befit the service performed by members to the public, the bar and their clients.

Retired

Retired but with ability to provide legal services to other entities then the general public and Pro.

NNew category; generally retired, but available for pro bono, personal interest business, family and friends.

One of these options should say retired. Inactive should be used for someone who has moved to practice in another State, etc.

There should be a retired option

"Retired status"

I would like to have a "retired status" option. When retired three years ago, the only option available at that time was "inactive", which, I felt, did not appropriately reflect my retired status.

none

As a retiree, I would like to occasionally take a pro bono case or assist in a workshop, but I had to pay for an "active" license just to leave that option open. So far I haven't used it, so especially feel like it was wasted money!

Just hoping for a change in the future!

Retired status

No

A reduced price that allows retired judges to serve as pro tem judges only

I would like the WSBA to create a license option for retired judges who are not practicing law but want to serve as needed as pro tem judges .

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Nespelem and Moses Lake, WA

July 18-19, 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 Sunitha Anjilvel on Thursday, July 18, at 11:00 a.m. Governors in attendance were:

Francis Adewale
Matthew Dresden
Mary Rathbone
Kevin Fay
Kristina Larry
Brent Williams-Ruth
Nam Nguyen
Allison Widney
Jordan Couch
Kari Petrasek

Officers and Executive Staff in attendance were President Sunitha Anjilvel, Immediate Past President Dan Clark, Executive Director Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, Director of Finance Tiffany Lynch, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Renata Garcia, Director of Advancement Kevin Plachy, Chief Equity & Justice Officer Diana Singleton, HR Director & Chief Culture Officer Glynnis Klinefelter Sio, and General Counsel Laurie Powers.

Also in attendance were Nancy Hawkins, Hon. Lauren King, Hon. Raquel Montoya-Lewis, Hon. Sophie Nomee, Jessica Peyton Roberts, Charissa Eichman, Rhylee Marchand, Brenda George, Bree Black Horse, Jarred-Michael Erickson, Darnell Sam, Cody Desautel, Shelly Bynum, Aziza Ozgoren, Christophe Chovanak, Jennifer Olegario, Neeka Somday, Moulten Asket, Catherine Schur, Paris Eriksen, Bobby Henry, Stephen Crossland, Kyle Sciuchetti, Adelane Shay, Betsylew Miale Gix, Hunter Abell, Lisa Amatangel, Shannon Thomas, Meghan Francis, Mel Tonasket and Andie Anderson.

The meeting commenced with an opening prayer and healing song led by Salmon Chief Darnell Sam of the Confederated Tribes of the Colville Reservation. Pres. Anjilvel reported that this was the bar's first visit to tribal lands and emphasized the importance of building a continued and authentic connection with the tribe. She acknowledged the presence of several tribal leaders and representatives, including Chairman Jared Michael Erickson, Executive Director of Colville Tribes Cody Desautel, and Judge Sophie Nomee.

President Anjilvel highlighted the crisis of missing and murdered indigenous women and relatives and presented a \$2,000 donation to the National Indigenous Women's Resource Center. Colville Business

Council President Jared Michael Erickson accepted the donation and provided an overview of the Colville Confederated Tribes, their traditional territories, and the challenges they face. He also expressed gratitude for the efforts to continue the meeting despite challenges posed by a severe storm and resulting power outages, and a commitment to ongoing collaboration and support.

Member & Public Comments ([link](#))

Hunter Abell welcomed attendees and highlighted the significance of the meeting, which he hoped would address the unique challenges and opportunities of practicing law in Indian Country. He noted issues such as long distances, rural settings, law enforcement response times, and infrastructure concerns like water and power. Abell expressed gratitude to President Anjilvel, Executive Director Terra Nevitt, and the Colville Confederated Tribes leaders for their hospitality and efforts in facilitating the meeting despite the power outage.

There was no further public comment.

Consent Calendar ([link](#))

Gov. Brent Williams-Ruth moved to approve the consent calendar. The motion passed unanimously.

President's Report ([link](#))

Acting President Anjilvel provided a brief report.

Executive Director's Report ([link](#))

Executive Director Nevitt referred to her written report and highlighted two key updates: 1. The Court approved the Board-approved changes to the admission fees effective September 1, 2024, which will be reflected in updated Admissions Policies without further board review.

2. Staff has been preparing a draft court order to authorize the "pilot project" of entity regulation proposed by the Practice of Law Board and endorsed by the Board of Governors in November. The draft order has been approved by the Practice of Law Board. Next it will be posted online, shared with the Board of Governors and submitted to the Washington Supreme Court for approval.

FY25 Treasurer Election ([link](#))

Executive Director Nevitt explained the election process. Candidate Gov. Kari Petrasek made an opening statement emphasizing her experience with financial management in various organizations and her commitment to the role. Gov. Petrasek was interviewed by the Board. President Anjilvel declared Gov. Petrasek as the FY25 WSBA Treasurer as there were no other candidates. It was later determined that a vote should be taken even though there was only one candidate. Following a vote, Gov. Petrasek was again declared to be the FY25 WSBA Treasurer.

First Draft of FY25 Budget ([link](#))

Treasurer Francis Adewale and Director of Finance Tiffany Lynch presented the first draft of the FY25 budget. Director Lynch highlighted key drivers of the budget and significant changes from FY24, including the cost of staff support, new items for the FY25 budget for events (Bar Leaders Summit, Regulatory School, etc.), the need for a new membership database system, the positive impact of the new rent agreement.

The Board discussed the importance of communicating financial decisions to members. Gov. Jordan Couch emphasized the necessity of discussing dues increases early to avoid a significant future hike. Governors debated the timing and justification for such an increase. Director Lynch noted that the final budget will be presented in September, with a recommendation for license fees expected in November.

Panel Discussion with Tribal Practitioners and Leaders ([link](#))

The Board of Governors convened a discussion about emerging issues for tribal practitioners and leaders. Key points of discussion included the perception of tribal law as foreign, the need for Indian law education in Washington law schools, and the challenges faced by tribal courts in gaining recognition and enforcement of their orders by state courts. The panelists emphasized the importance of understanding tribal sovereignty and integrating Indian law into broader legal practices. Specific recommendations included testing Indian law on the bar exam, requiring Indian law CLE credits, fostering relationships between state and tribal courts, and considering the establishment of a task force to address these issues. The session concluded with a call for ongoing collaboration and concrete actions to support tribal legal systems and practitioners.

Executive Session ([link](#))

President Anjilvel moved the Board to executive session at 2:39 p.m. to discuss the Executive Director evaluation. The session concluded at 4:15 p.m.

Day Two ([link](#))

President Anjilvel called day two of the board meeting to order at 9:09 a.m. Roll call was conducted, and it was noted that all governors were present except Tom Ahearn.

Proposed Regulatory Rule Amendments & Bylaw changes ([link](#))

Second Read on Proposed Amendments to WSBA Bylaws RE Resident Agent Requirement

Chief Regulatory Counsel Renata Garcia presented proposed amendments to the WSBA Bylaws, which would eliminate 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. A survey indicated strong support for removing the resident agent requirement. Gov. Jordan Couch moved a motion to approve proposed bylaw amendment to remove the resident agent requirement. Motion passed unanimously.

Out-of-State Member Voting Options

Assistant General Counsel Catherine Schur presented options for out-of-state members to vote in Board elections. Options included voting in at-large elections only, designating a resident agent for voting purposes, random district assignment, voting in the district of primary practice, and adding a Board of Governors seat for out-of-state members. The Board discussed the options and commented on the issues. Gov. Kevin Fay moved to designate option four (voting in the district of primary practice) to be considered at second read. Motion passed 7 to 2. Gov. Serena Sayani and Gov. Nam Nguyen were not present for the vote.

Suggested Amendments to APR 3(c)(2) Re Military Spouse Admission by Motion

Chief Garcia presented suggested amendments to APR 3(c)(2) Re Military Spouse Admission by Motion. The proposed amendments would remove barriers for military spouse admission by motion, allowing those with more than one year of practice experience to qualify for this expedited and less costly process. Gov. Couch moved to approve the suggested amendments to APR 3(c)(2) Re Military Spouse Admission by Motion as presented. Motion passed 8 to 1. Gov. Sayani and Gov. Nguyen were not present for the vote.

First Read on Proposed Amendments to WSBA Bylaws to Remove Pre-Suspension Certified Mail Requirement

Chief Garcia presented proposed amendments to the WSBA Bylaws to remove the requirement that pre-suspension notices be sent by certified mail. The Board discussed changing the method of delivering pre-suspension notices from certified mail to either first-class mail or email. Following discussion of the issues and options, Executive Director Nevitt clarified the options under consideration: (1) make no change and retain the requirement to notify by certified mail, telephone call, and email; (2) change the certified mail requirement to first class mail; or (3) eliminate the mail requirement entirely and notify by telephone call and email only. A straw poll indicated a preference for option 2, and the Board decided to revisit this matter in the next meeting.

First Read on Proposed Amendments to WSBA Bylaws Re MCLE Requirements to Return to Active Status

Bobby Henry presented the first read of proposed amendments to the WSBA Bylaws that would simplify and standardize the MCLE requirements for members returning to active status from inactive or suspended status. This will be brought back for second read at the September Board meeting.

First Read on Proposed Amendments to WSBA Bylaws to Add an Inactive License Fee Exemption Due to Significant Health Condition

Chief Garcia and Chief Disciplinary Counsel Doug Ende presented for first read proposed amendments to the WSBA Bylaws to add an inactive license fee exemption for members that are facing a significant health condition. The proposal aims to provide a simpler, less intrusive process for affected members. Discussion followed. This will be brought back for second read at the September Board meeting.

TAXICAB ([link](#))

Executive Director Nevitt and Chair Kyle Sciuchetti presented a policy proposal developed by TAXICAB to outline the relationship between the WSBA and the Supreme Court-appointed boards it supervises. The task force included members from the Board of Governors and representatives from court-appointed boards. The policy aims to mitigate conflicts and provide clarity on the administration of these boards. Key points of discussion included the independence of court-appointed boards, the potential for conflicts of interest, and the need for a clear dispute resolution process. Concerns were raised about the policy's implications for sections and the potential for increased financial and administrative burdens on the WSBA. Those in support of the policy characterized it as a necessary step to formalize existing practices and provide guidance for staff.

Gov. Couch moved to approve the proposed joint administration policy. After extensive debate, Gov. Petrasek moved to call the question. The motion to call the question passed unanimously. The motion to approve the joint administration policy between WSBA and Supreme Court boards passed 8 to 1. Gov. Sayani and Gov. Nguyen were not present for the vote. The next step is to present the policy to the Supreme Court for adoption.

Governor Roundtable ([link](#))

During the Governor Roundtable, Acting President Anjivel invited staff to participate in the Roundtable discussions. Gov. Petrasek provided an update on the Member Status Workgroup's recommendations, which include changes to member status options and qualifications for honorary status. Gov. Williams-Ruth expressed gratitude to WSBA staff and new governors and proposed several initiatives for consideration. These included implementing land acknowledgments at meetings, exploring licensure for graduates from non-ABA accredited law schools, and adding public members to the Board of Governors. A straw poll indicated interest in further discussing each of these proposals. Additionally, Gov. Mary Rathbone emphasized the importance of addressing rural practice issues and thanked everyone for their participation in the Moses Lake meeting.

Meeting Feedback ([link](#))

Several governors provided feedback on the value of visiting remote areas despite the logistical challenges. It was suggested that a physical limitation inquiry be included in meeting RSVP forms.

ADJOURNMENT ([link](#))

President Anjivel adjourned the meeting at 4:00 p.m. on Friday, July 19, 2024.

Respectfully submitted,

Terra Nevitt

WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, and The Board of Governors

From: Terra Nevitt, Executive Director
Tiffany Lynch, Director of Finance
Laurie Powers, General Counsel

Date: August 23, 2024

Re: FY 2025 License Fee *Keller* Deduction

ACTION: Approve 2025 *Keller* deduction schedule.

The Budget and Audit Committee of the Board of Governors reviewed and unanimously approved the proposed 2025 Keller Deduction at their August 9, 2024, meeting.

Each year, the annual license fee form provides an “optional *Keller* deduction” approved by the Board of Governors. This is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California*¹ holding that state bar mandatory fees may not be used over a member’s objection for activities that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services*. In *Eugster v. WSBA*², the court stated that “the WSBA provides robust procedural safeguards to ensure compliance with *Keller*.” Recent court decisions affirm that *Keller* has not been overruled, but have not provided additional clarity in the definition of chargeability (germaneness). In addition to *Keller*’s Constitutional limitations, General Rules 12-12.3 set out the Washington Supreme Court’s plenary authority over the WSBA, its regulatory objectives for regulating the practice of law, and the WSBA’s purposes, authorized, and prohibited activities.

Article XV of the WSBA Bylaws explains the *Keller* deduction approach, notice, and arbitration provisions. The Bylaws state that “[w]hen calculating the *Keller* deduction, the Bar shall use a conservative test for determining whether an individual activity is chargeable or nonchargeable. When in doubt, the Bar will err in favor of the membership by considering activities to be nonchargeable even when a reasonable argument could be made that such activities were chargeable.” This year’s calculation reflects this conservative approach and includes activities that could reasonably be considered chargeable.

¹ *Keller v. State Bar of California*, 496 U.S. 1 (1990).

² *Eugster v. WSBA*, No. C15-0375JLR 2015 WL 5175722 (W.D. Wash Sept. 3, 2015), *aff’d*, 684 F.App’x 618 (9th Cir. 2017).

OVERVIEW OF OPTIONAL KELLER DEDUCTION CALCULATION

The optional Keller deduction amount for FY 25 is the sum of the following three numbers:

- (1) The full FY 25 budgeted amount for legislative activities divided by the number of license fee paying members expected in FY 25;
- (2) The full FY 25 budgeted amount for ABA delegate activities divided by the number of license fee paying members expected in FY 25; and
- (3) A cost of other potentially non-chargeable activities based on a detailed review of the current fiscal year, including staff salary, benefits and overhead (including meeting time and conference call costs). We used the time period July 1, 2023—June 30, 2024 to gather 12 months of financial information.

LEGISLATIVE EXPENSE CALCULATION

The WSBA's FY 25 legislative activity budget amount \$280,444.00 is divided by the expected number of license fee paying members in FY25 to calculate the per member amount.

$$\$280,444.00 \div 43,996 = \$6.37$$

We changed our calculation method for the legislative expense beginning with the FY 22 Keller deduction. Prior to that time, we calculated a percentage of the current fiscal year's legislative activities that objecting members might consider nongermane and applied that percentage to the next year's legislative budget and divided that number by the anticipated number of license fee paying members to determine the base number. Due to the ongoing legal challenges and decisions related to the Keller definition of germane activity, the deduction calculation now includes the entire legislative budget regardless of whether the activities are germane and chargeable. This reflects a decision to take a conservative approach that favors the membership.

Even though we no longer calculate the percentages, we continue to collect that information and have included that detailed information.

ABA DELEGATION EXPENSE CALCULATION

The ABA delegates take political positions, so we treat the entire ABA Delegate budgeted amount as non-chargeable.

$$\$16,000 \div 43,996 = \$0.36$$

OTHER NON-CHARGEABLE EXPENSES/GENERAL STAFF TIME

We reviewed all other WSBA activities to identify other potentially non-chargeable activities. WSBA employees review meeting agendas and minutes and provide details of staff time and meeting expenses for activities that might be non-chargeable. We reviewed all activities, including CLE programming, Bar News and publications, BOG meetings, diversity, and access to justice activities. We followed the same conservative approach and included germane activities in this

calculation when recent court decisions made the definition of germane activities less clear. In this category, we included some Access to Justice Board activities, WYLC scholarships for ABA meeting attendance, and some Board of Governors meeting activities. The detailed information is attached.

We calculated the amount of the deduction as follows:

- (1) Determine the activities to include in the deduction;
- (2) Determine the percentage of time spent on non-chargeable activities;
- (3) Apply this percentage to the FY 25 budgeted amount for these activities

The total amount spent for staff time, overhead, and costs for this category is \$40,728.82.

$$\$40,728.82 \div 43,996 = \$0.93$$

KELLER DEDUCTION CALCULATION AND ROUNDING UP

The *Keller* deduction is the sum of the amounts in #1, #2, and #3 above.

$$\$6.37 + \$0.36 + \$0.93 = \$7.66$$

We recommend rounding up for simplicity and ease in calculations. Therefore, we recommend that the Keller deduction for FY 25 be set at **\$7.70**

The comparison to previous years is shown in this table:

| YEAR | DEDUCTION |
|------|-----------|
| 2024 | \$8.00 |
| 2023 | \$6.90 |
| 2022 | \$9.02 |
| 2021 | \$3.85 |
| 2020 | \$1.55 |
| 2019 | \$1.25 |
| 2018 | \$2.50 |
| 2017 | \$3.50 |
| 2016 | \$6.40 |
| 2015 | \$4.40 |
| 2014 | \$4.70 |
| 2013 | \$6.40 |
| 2012 | \$6.00 |

Based on these calculations, we recommend the following Keller deduction schedule for 2025 pro-rated by the amount of license fee paid by various categories of WSBA membership:

| | License Fee | Keller Deduction |
|--|--------------------|-------------------------|
| • Active Lawyer Admitted to any Bar before 2023 | \$458.00 | \$7.70 |
| • Active Lawyer Admitted to any Bar in 2023 or 2024 | \$229.00 | \$3.85 |
| • Inactive/Pro Bono Lawyer | \$200.00 | \$3.36 |
| • New Active Lawyer-admitted same year of exam (Jan 1-June 30) | \$229.00 | \$3.85 |
| • New Active Lawyer-admitted same year of exam (July 1-Dec 31) | \$114.50 | \$1.93 |
| • Active Limited License Legal Technician Admitted before 2023 | \$229.00 | \$3.85 |
| • Active LLLT Admitted in 2023 or 2024 | \$114.50 | \$1.93 |
| • New Active LLLT – admitted same year of exam Jan 1- Jun 30 | \$114.50 | \$1.93 |
| • New Active LLLT – admitted same year of exam Jul 1- Dec 31 | \$57.25 | \$0.96 |
| • Active LPO Admitted before 2023 | \$200.00 | \$3.36 |
| • Active LPO Admitted in 2023 or 2024 | \$100.00 | \$1.68 |
| • New Active LPO – admitted same year of exam Jan 1- Jun 30 | \$100.00 | \$1.68 |
| • New Active LPO – admitted same year of exam Jul 1- Dec 31 | \$50.00 | \$0.84 |
| • Inactive LLLT/LPO | \$100.00 | \$1.68 |
| • Judicial | \$50.00 | \$0.84 |

FY 25 KELLER CALCULATION DATA

LEGISLATIVE

| BILL # OR TOPIC | ACTIVITY | EMPLOYEE HOURS | CHARGE/NO CHARGE (C/NC) | DIRECT/INDIRECT (D/I) |
|--|--|----------------|-------------------------|-----------------------|
| Leg. Review | Bill referrals to Sections, watching TVW hearings | 150 | NC | I |
| Leg. Admin. Work | Updating website, generating LobbyGov reports, updating keywords and contacts from Sections and other entities | 25 | C | I |
| Statutory limitations on sexual assault criminal charges | 7/21/23 meeting with Criminal Law Section representatives | 1 | NC | I |
| Parenting plan modifications for people in recovery | 7/24/23 meeting with Councilmember Dunn and Family Law Section representatives | 1 | NC | D |
| Parenting plan modifications for people in recovery | 8/1/23 meeting with Councilmember Dunn and Family Law Section representatives | 0.5 | NC | D |
| SB 5589 (Probate) | 8/4/23 discussion with Sen. Stanford | 0.5 | NC | D |
| SB 5205 (limitations in parenting plans) | 8/21/23 discussion with Rep. Taylor and the Family Law Section | 0.5 | NC | D |
| SB 5589 (Probate) | 9/29 discussion with RPPT representatives | 0.5 | NC | I |
| SB 5589 (Probate) | 10/2/23 discussion with Rep. Taylor and RPPT representatives | 0.5 | NC | D |
| Notary requirements for leases | 10/18/23 discussion with Sen. Padden | 0.5 | NC | D |
| Uniform Electronic Estate Planning Documents Act | 10/19/23 discussion with Sen. Pedersen and RPPT representatives | 1 | NC | D |
| SB 5840 (leases) | 11/8/23 discussion with Sen. Padden | 0.5 | NC | D |
| HB 1911 (public defense activities)/OPD legislative priorities | 11/13/23 discussion with Office of Public Defense re: 2024 legislative priorities | 0.5 | NC | I |
| Parenting plan draft bill | 11/15/23 discussion with Rep. Taylor and the Family Law Section | 0.5 | NC | D |

| | | | | |
|--|---|-----|----|---|
| Juvenile Law Section legislative priorities | 11/27/23 call with Juvenile Law Section legislative liaison | 0.5 | NC | I |
| HB 1911 (public defense activities) | 11/29/23 discussion with Office of Public Defense re: draft bill | 0.5 | NC | D |
| SB 5840 (leases) | 12/5/23 discussion with Sen. Padden | 0.5 | NC | D |
| Administrative Office of the Courts request legislation/legislative priorities | 12/6/23 call with Brittany Gregory (AOC) | 1 | C | I |
| SB 5589 (probate) | 11/7/23 discussion with Rep. Taylor and RPPT representatives | 0.5 | NC | D |
| SB 5589 (probate) | 11/8/23 discussion with Sen. Stanford and RPPT representatives | 0.5 | NC | D |
| SB 5858 (distribution of property in marriage dissolution) | 1/18/24 discussion with Sen. Fortunato and Family Law Section | 1 | NC | D |
| SB 5796 (common interest communities) | 1/16/24 discussion with Sen. Pedersen and RPPT representatives | 0.5 | NC | D |
| HB 2237 (concerning limitations in parenting plans) | 1/23/24 discussion with Rep. Taylor and the Family Law Section | 0.5 | NC | D |
| SB 5589 (probate) | 1/25/24 discussion with Rep. Cheney and RPPT representatives | 0.5 | NC | D |
| SB 5589 (probate) | 1/29/24 discussion with Rep. Walsh and RPPT representatives | 0.5 | NC | D |
| HB 2254 (child support schedule workgroup recommendations) | 1/31/24 discussion with Rep. Walen and the Family Law Section | 0.5 | NC | D |
| WSBA legislative policies/RPPT | 2/12/24 discussion with RPPT RP Council Director re: legislative policies | 0.5 | NC | I |
| Practice of Law Board proposed legislation | 5/9/24 discussion with Practice of Law Board re: UPL as a per se violation of the Consumer Protection Act | 1 | C | D |
| Senate Law & Justice Committee workgroup | 5/30/24 testimony re: updated public defense caseload standards | 3 | C | D |
| Practice of Law Board proposed legislation | 6/6/24 discussion with Attorney General's Office | 1 | C | D |

| | | | | |
|--|--|---|----|---|
| | and Practice of Law Board re: proposed legislation | | | |
| Oregon State Bar legislative policies | 6/12/24 discussion with Oregon State Bar policy staff re: legislative policies | 1 | C | I |
| Contract lobbyist | Discussions with WSBA contract lobbyist | 8 | NC | D |

ACCESS TO JUSTICE BOARD AND COUNCIL ON PUBLIC DEFENSE

| TOPIC | ACTIVITY | EMPLOYEE HOURS | C/NC | D/I |
|--|--|----------------|------|-----|
| Updating the Standards for Indigent Defense - monthly from July 2023-June 2024 | A subcommittee of the CPD has been meeting monthly for 2-3 hours to review and revised the Standards of Indigent Defense. They have also given 10-15 minute updates at each CPD meeting. Individual CPD members also gave substantial time to the Standards in the first quarter of 2024. This has been largely volunteer driven with minimal staff time. The volunteer Council hours are an estimate as staff have not attended the meetings to keep a time track. The CPD also had substantive conversations at their full monthly meetings in October, November, December, January, February, April, June | 10 | C | I |
| Legislative and Funding updates December 2023 - March 2024 | The CPD received updates from OPD, WDA, and others at their monthly meetings regarding legislation applicable to public defense, including funding, and received information on how to advocate for this legislation | 2 | NC | I |
| 2023 ATJ Conference | ATJ Conference was held September 28-30, 2023 | 132 | NC | I |
| Legislative Updates - Jan. 19, 2024 | Antonio Ginatta with CLS provided an updated on the legislative session and highlighted bills of interest to civil legal aid and Alliance members. | 0.5 | NC | I |
| Governmental Funding Updates - July - June | The Board receives funding updates from the Equal Justice Coalition and OCLA regarding the current legislative session and preparing for the next session, including how to get involved to advocate for funding, ect. 30 minutes X 8 meetings over this period | 8 | NC | I |

| | | | | |
|---|--|----|----|---|
| Court Rules Comments - March 19, 2024 | The Rules Committee of the ATJ Board reviewed the following proposed revisions and discussed recommended actions to propose to the ATJ Board: CR 30, CR 39, CRLJ 38, new GR 41 | 1 | C | I |
| Court Rules Comments - April 26 | The ATJ Board took action to submit comments regarding proposed revisions to CR 30, CR 39, CRLJ 38, new GR 41 | 1 | C | I |
| Legislative and Funding Updates - February/March 2024 | The Delivery System Committee of the ATJ Board discussed relevant legislation and ways to get involved in advocacy, including state funding requests (two meetings, 30 minutes each) | 2 | NC | I |
| ATJ Conference Planning - July 2023 | Planning meetings for the ATJ Conference for the month of July | 36 | NC | I |
| ATJ Conference Planning - August 2023 | Planning meetings and activities for the ATJ Conference for the month of August | 36 | NC | I |
| ATJ Conference Planning - September 2023 | Planning meetings and activities for the ATJ Conference for the month of September | 30 | NC | I |
| ATJ Conference Closeout activities - October 2023 | Planning meetings and activities for the ATJ Conference for the month of October | 25 | NC | I |
| ATJ Conference Closeout activities - November 2023 | Planning meetings and activities for the ATJ Conference for the month of November | 10 | NC | I |

BOARD OF GOVERNORS MEETINGS

| Date | Activity | Percentage of Meeting Time |
|-----------------------|--|----------------------------|
| 11/2/2023 | Governor Roundtable Comments on foreign conflicts | 3.33% |
| 11/3/2023 | Legislative Review Committee Items | 18.18% |
| 11/3/2023 | Report on 2023 ATJ Conference | 9.09% |
| 12/11/2023 | 2024 Legislative Strategy re Notary Requirements | 100% |
| 1/12/2024 – 1/14/2024 | ATJ Annual Report | 16% |
| 1/12/2024 – 1/14/2024 | Superior Court Judges Association Presentation | 15% |
| 3/7/2024 – 3/8/2024 | Diversity equity and inclusion council request to seek information about recent enforcement actions against LGBTQ2+ establishments | 25% |

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Kari Petrasek, Chair of the STAR Committee
DATE: June 20, 2024
RE: Change the WSBA Small Town and Rural (STAR) Committee to the WSBA Small Town and Rural (STAR) Council

ACTION: Approve the Charter Revisions that Change the STAR Committee to the STAR Council.

Background

Section IX(B)(1)(a) of the WSBA Bylaws requires that WSBA committee members, Chairs and Vice-Chairs must be Active WSBA members. When the STAR Committee was formed this limitation was not a problem because all the members of the committee were active WSBA members. The Law School Representative from the University of Washington School of Law does not plan to reapply for a three-year term with Committee after their current term in September 2024 expires due to a job change. The person the University of Washington School of Law would recommend for the position starting in October 2024 is not an Active WSBA member, even though the person is in the position that provides the most relevant connection to the University of Washington School of Law and the work of the STAR Committee.

In discussing the options to resolve the issue, the STAR Committee identified two possible solutions. The first option would require a WSBA Bylaws revision to include an exception to the requirement that WSBA committee members must be Active members of the Bar. Similar exceptions exist for the Public Service and Pro Bono and Committee on Professional Ethics. The other alternative was to request approval from the Board of Governors to change the charter for the STAR Committee to a Council. Section IX(C)(2) of the WSBA Bylaws states that members of a WSBA Council are not required to be members of the Bar.

The STAR Committee voted to pursue the option to convert the Committee to a Council because it would be a less complicated method of allowing a non-WSBA member to join and begin their work as a member of the entity.

Additionally, the STAR Committee voted to approve an addition to the definition of “rural” in the charter to provide the Committee explicit authority to modify the definition to meet specific programming objectives.

Conclusion

The STAR Committee respectfully requests the Board of Governors authorize the charter revisions changing the entity from a Committee to a Council and clarifying that the definition of rural could be modified by the Committee to meet specific programmatic objectives.

Attachments

STAR Committee Revisions from Committee to Council – Redlines

STAR Committee Revisions from Committee to Council - CLEAN

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

Provided separately 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 to WSBA resulting from the proposed charter revisions is limited to the amount of staff time used to develop the proposed revisions and incorporate any approved revisions to relevant records. The staff time allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or reallocation of resources from other internal sources.

WSBA EQUITY ANALYSIS: This section is to be completed by the Office of General Counsel, 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. By becoming a council, membership could be more inclusive, not only allowing a non-WSBA member from the law school but also other people who are not active members like law students, judges and client communities in rural areas. Based on our review, there do not appear to be any concerns about inequitable outcomes.

WASHINGTON STATE BAR ASSOCIATION

Small Town and Rural Committee-Council Charter

Effective: April 17, 2021
and modified to make
Chair a voting member
on July 16, 2021

Purpose

As an advisory entity to the WSBA Board of Governors, the WSBA Small Town and Rural (STAR) Committee-Council is committed to strengthen and support the practice of law in the rural communities throughout Washington state. Members of the STAR Committee-Council will work to ensure that the practice of law in rural communities is present, growing, and thriving.

Practitioners in rural communities are few and far between. Additionally, many of these practitioners are nearing retirement without a clear plan of succession for their clients, leaving a void of access to legal representation and counsel. The STAR Committee-Council will guide policy & program development, serve as ambassadors between the WSBA and these communities, explore and advocate for creative and innovative solutions, and regularly assess the legal landscape in rural communities to determine if WSBA policy, advocacy and program development require further resource for sustainability and improvements.

The STAR Committee-Council aligns with the authorized activities outlined in General Rule 12. More specifically, GR 12.1 (a) articulates the Washington Supreme Court's regulatory objective to provide, in part, "meaningful access to justice. . ." while GR 12.1(d) strives for "affordable and accessible legal services." In addition, the STAR Committee-Council aligns with the authorized activities outlined in GR 12.2, in particular by providing "services to members and the public," and "fostering collegiality among its members and goodwill between the legal profession and the public."

Further, the STAR Committee-Council furthers the WSBA mission to serve the public and the members of the Bar by providing focused attention on the unique needs of residents and members in rural areas both by improving access to legal practitioners in rural communities and outreach and development of a pipeline of younger rural residents to pursue a legal career and serve their communities.

Definition of "Rural"

For the purpose of the STAR Committee-Council and reflective of Washington's unique geographic and socio-geographic landscape, the definition of "rural" is as follows:

Based on the definitions produced by the U.S. Department of Agriculture Economic Research Service (ERS) and an overview of Washington county population, we focused on counties with populations of less than 50,000 and more than 2,500. These areas are considered 'urban non-metro areas not part of larger labor markets' by ERS. As part of the working definition, and for ease, we have termed these counties as 'rural.' Based upon WA county population data,

we've pursued a hypothesis that counties with 30,000 or more ~~are~~ rural, ~~but likely~~ but likely ~~more~~ adjacent to a labor market and perhaps have a varying set of circumstances that may differ from counties that are less than 30,000.

This definition will serve as the "per se" definition of rural. The STAR Council has the authority to change this definition based on specific programming objectives.

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Composition

The member appointment process will follow the process for WSBA Committees. Members of the STAR ~~Committee-Council~~ should have demonstrated experience and/or interest in a thriving legal practice in Washington's rural communities. The STAR ~~Committee-Council~~ will consist of 13 members and are outlined as:

- Chair (voting member)
- 2 Current or Former WSBA Board of Governors Members (voting members)
- 1 Active WSBA Member At Large (voting member)
- 4 Active WSBA Members from rural communities - see above for definition of "rural" (voting members)
- 1 Active WSBA Young Lawyer Member, as defined in WSBA Bylaws (voting member)
- 3 Law School Representatives (voting members, must be currently employed with a WA Law School which is not currently represented on the Committee.)
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP)(voting member).

WSBA Staff Liaison: Member Services and Engagement Manager or staff member in the Advancement Department, non-voting

Board of Governor Liaison: as assigned annually, non-voting.

Terms

- Chair: two-year term
- Members: three-year term

Initial Committee Terms

In FY21, ~~the~~ first appointments to the STAR ~~Committee-Council~~ ~~were~~ should effectuated in a staggered rotation of STAR ~~Committee-Council~~ members. Therefore, the following terms ~~are~~ were in place for the first appointment cycle only. All subsequent terms should adhere to the term limits stated above. STAR ~~Committee-Council~~ member serving an initial term less than three years, should be considered an incomplete term. Therefore, the member is eligible to serve two subsequent complete three-year terms ~~in-per~~ WSBA Bylaws.

- 2 Active WSBA Members
1 member with two-year term, 1 member with three-year term.
- 4 Active WSBA Members from rural communities (see above for definition)
1 member with one-year term, 1 member with two years term, 2 members with three-years term.

- 3 Law School Representatives (voting, must be currently employed with a WA Law School)
- 1 member with one-year term, 1 member with two-years term, 1 member with three-years term.

The following positions will begin as a standard term as set forth in this charter.

- Chair
- 1 Active WSBA Young Lawyer Member
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP).

Scope of Work

The scope of the STAR ~~Committee's-Council's~~ work will focus on what the WSBA is uniquely positioned to do in supporting a sustaining and thriving environment for the practice of law and increase access to justice in Washington's rural communities. The STAR ~~Committee-Council~~ will work with all relevant and interested stakeholders to collaborate where needed. The provision of direct legal services and civil legal aid to the public is outside the scope of the STAR ~~CommitteeCouncil~~.

Measures of Success

- Increased awareness of the issues and possible solutions to address any gap in practicing members in rural communities.
- A sustainable pipeline of legal practitioners in rural communities.
- Increased numbers of legal practitioners in rural communities.
- The establishment of funding for programs and initiatives for the practice of law in rural communities.

STAR ~~Committee-Council~~ Roles

1. Community Education and Outreach

Coordinated efforts to educate members and potential members about the unique needs, opportunities and benefits of a rural practice. This can include, but should not be limited to, comprehensive information on WSBA's website, features in WSBA publications, presentations at high schools, law schools and community colleges. Meetings and events, such as a summit or symposium, to highlight the issue, convene interested stakeholders to share their concerns and strategize on possible solutions.

2. Pipeline and Placement Program(s)

Develop WSBA programming, or WSBA supported/partnered programming designed to build a pipeline of practitioners in rural areas as well as an incentive program to encourage members to explore a rural practice on a time-limited or multi-year timeframe. This role should explore a possible collaboration or strategic overlap with WSBA existing and future mentorship program(s). In particular, this role will require extensive strategic planning and identification of external stakeholder support and additional funding sources. Coordinate with law schools and other stakeholders regarding economic incentives to practice in rural areas.

3. Job Opportunities and Clearinghouse

Utilize existing and future WSBA resources to support and highlight job opportunities in rural communities. This role should include making it easier, and perhaps more cost-effective, to add job postings to WSBA's service. Develop a clearing house to assist retiring members with succession planning and the buying/selling of a practice.

Committee Evaluation

The STAR Committee-Council should conduct an assessment within five years from the date of Board of Governors' initial approval of the STAR Committee by 1) conducting a survey of rural practitioners to provide stakeholder feedback regarding the impact of this Committee-Council to effectuate change in these areas, 2) assessing the scope of work to reflect impact and progress in this area and align with trends in the greater legal community, and 3) earnestly examining if the Committee-Council is necessary to continue the scope of work.

WASHINGTON STATE BAR ASSOCIATION

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The STAR Council aligns with the authorized activities outlined in General Rule 12. More specifically, GR 12.1 (a) articulates the Washington Supreme Court's regulatory objective to provide, in part, "meaningful access to justice. . ." while GR 12.1(d) strives for "affordable and accessible legal services." In addition, the STAR Council aligns with the authorized activities outlined in GR 12.2, in particular by providing "services to members and the public," and "fostering collegiality among its members and goodwill between the legal profession and the public."

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- 3 Law School Representatives (voting members, must be currently employed with a WA Law School which is not currently represented on the Committee.)
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP)(voting member).

WSBA Staff Liaison: Member Services and Engagement Manager or staff member in the Advancement Department, non-voting

Board of Governor Liaison: as assigned annually, non-voting.

Terms

- Chair: two-year term
- Members: three-year term

Initial Committee Terms

In FY21, the first appointments to the STAR Council were effectuated in a staggered rotation of STAR Council members. Therefore, the following terms were in place for the first appointment cycle only. All subsequent terms should adhere to the term limits stated above. STAR Council member serving an initial term less than three years, should be considered an incomplete term. Therefore, the member is eligible to serve two subsequent complete three-year terms per WSBA Bylaws.

- 2 Active WSBA Members
1 member with two-year term, 1 member with three-year term.
- 4 Active WSBA Members from rural communities (see above for definition)
1 member with one-year term, 1 member with two years term, 2 members with three-years term.
- 3 Law School Representatives (voting, must be currently employed with a WA Law School)
- *1 member with one-year term, 1 member with two-years term, 1 member with three-years term.*

The following positions will begin as a standard term as set forth in this charter.

- Chair
- 1 Active WSBA Young Lawyer Member
- 1 Active WSBA Lawyer Member currently employed with a Qualified Legal Service Provider (QLSP).

Scope of Work

The scope of the STAR Council's work will focus on what the WSBA is uniquely positioned to do in supporting a sustaining and thriving environment for the practice of law and increase access to justice in Washington's rural communities. The STAR Council will work with all relevant and interested stakeholders to collaborate where needed. The provision of direct legal services and civil legal aid to the public is outside the scope of the STAR Council.

Measures of Success

- Increased awareness of the issues and possible solutions to address any gap in practicing members in rural communities.
- A sustainable pipeline of legal practitioners in rural communities.
- Increased numbers of legal practitioners in rural communities.
- The establishment of funding for programs and initiatives for the practice of law in rural communities.

STAR Council Roles

1. Community Education and Outreach

Coordinated efforts to educate members and potential members about the unique needs, opportunities, and benefits of a rural practice. This can include, but should not be limited to, comprehensive information on WSBA's website, features in WSBA publications, presentations at high schools, law schools and community colleges. Meetings and events, such as a summit or symposium, to highlight the issue, convene interested stakeholders to share their concerns and strategize on possible solutions.

2. Pipeline and Placement Program(s)

Develop WSBA programming, or WSBA supported/partnered programming designed to build a pipeline of practitioners in rural areas as well as an incentive program to encourage members to explore a rural practice on a time-limited or multi-year timeframe. This role should explore a possible collaboration or strategic overlap with WSBA existing and future mentorship program(s). In particular, this role will require extensive strategic planning and identification of external stakeholder support and additional funding sources. Coordinate with law schools and other stakeholders regarding economic incentives to practice in rural areas.

3. Job Opportunities and Clearinghouse

Utilize existing and future WSBA resources to support and highlight job opportunities in rural communities. This role should include making it easier, and perhaps more cost-effective, to add job postings to WSBA's service. Develop a clearing house to assist retiring members with succession planning and the buying/selling of a practice.

Committee Evaluation

The STAR Council should conduct an assessment within five years from the date of Board of Governors' initial approval of the STAR Committee by 1) conducting a survey of rural practitioners to provide stakeholder feedback regarding the impact of this Council to effectuate change in these areas, 2) assessing the scope of work to reflect impact and progress in this area and align with trends in the greater legal community, and 3) earnestly examining if the Council is necessary to continue the scope of work.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia de Carvalho, Chief Regulatory Counsel
Bobby Henry, Associate Director for Regulatory Services
DATE: August 13, 2024
RE: Suggested Amendments to APR 4(d) – Lawyer Bar Examination

ACTION: As part of the Bar Licensure Task Force Recommendations, the Board of Governors is asked to approve suggested amendments to APR 4(d) 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 adopt the next generation version of the Uniform Bar Exam (UBE), known as the NextGen Bar Exam. 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-710 adopting the WBLTF's recommendation to adopt the NextGen Bar Exam beginning with the July 2026 bar exam. The Court has tasked the WSBA with proposing the rule changes necessary to implement the March 15, 2024 order.

Proposed Amendments

The purpose of the suggested amendments to APR 4(d) is to implement the Washington Supreme Court's adoption of the WBLTF recommendation regarding the NextGen Bar Exam. The NextGen Bar Exam is owned by the National Conference of Bar Examiners (NCBE). The NCBE intends for the NextGen Bar Exam to be a new version of the Uniform Bar Exam (UBE), maintaining the ability for applicants to transfer scores between UBE jurisdictions. Although the exam is referred to as the NextGen Bar Exam, it will still be the UBE, but with updated content and formats. In addition, because the NextGen version of the UBE will have a different scoring scale, a new minimum passing score will need to be determined. Accordingly, the amendments needed to the APR to implement adoption of the NextGen exam are simply to distinguish between the two versions of the UBE and identify the minimum passing score for each version.

The NCBE's work to determine minimum passing scores for the NextGen exam relative to the passing scores for the original version of the UBE will take place next year. We expect to have a NextGen passing score by August or September 2025. Given the time involved for rule amendments through the GR 9 process, we are submitting these suggested amendments now and will ask the Court to enter an order setting the passing score for the NextGen exam when it is finally determined. A technical amendment can then be requested at that time to amend APR 4(d) to include the score in the APR.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

To be provided separately 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 to WSBA resulting from the proposed changes to the bylaws includes the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes, as well as consulting services time to work with our admissions software application vendor to make updates to the system to reflect both versions of the UBE and corresponding minimum passing scores. 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. Cost for consulting services are estimated to be less than \$5,000 based on historical cost of other similar sized projects.

WSBA EQUITY ANALYSIS: This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual

This proposed action is intended to implement the Washington Supreme Court's adoption of the WBLTF's proposal. The WBLTF's proposal provides that the recommendations will "give the 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." There do not appear to be any concerns with inequitable outcomes with this proposal.

Attachments

Suggested Amendments to APR 4(d), markup
Suggested Amendments to APR 4(d), clean copy
Washington Supreme Court Order 27500-B-710

TITLE

ADMISSION AND PRACTICE RULES

RULE 4. EXAMINATIONS FOR ADMISSION; NOTIFICATION OF RESULTS

(d) Lawyer Bar Examination. Unless otherwise provided by these rules, applicants for admission to practice as a lawyer must take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and Multistate Professional Responsibility Examination (MPRE).

(1) Washington's ~~UBE~~ minimum passing score for the original version of the UBE is 266 the minimum passing score for the next generation version of the UBE is to be established by court order.

(2) Washington's MPRE minimum passing score is 85, which must be earned no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the minimum passing score.

(3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE.

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(3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF)
THE NEXTGEN BAR EXAM AND REDUCTION)
TO THE PASSING SCORE FOR UNIFORM BAR)
EXAM)
_____)

ORDER

NO. 25700-B-710

WHEREAS, current Admission and Practice Rules require most applicants for admission to practice as a lawyer in Washington to take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and

WHEREAS, applicants can either take the UBE administered by the Washington State Bar Association (WSBA) or transfer eligible UBE scores earned in another jurisdiction and

WHEREAS, NCBE has announced that it will transition from UBE to the NextGen Bar Exam (NextGen) over a two-year period beginning with the July 2026 bar exam and

WHEREAS, APR 4(d)(1) sets Washington's minimum UBE passing score at 270 and

WHEREAS, this Court has previously reduced the minimum UBE passing score to 266 for exams administered in July and September 2020 (Order No. 25700-B-623), February 2021 (Order No. 25700-B-651), July 2021 (Order No. 25700-B-661), February 2022 (Order No. 25700-B-673), and July 2022 (Order No. 25700-B-683) and

WHEREAS, the Court has determined that the modified UBE passing score of 266 should continue until the implementation of the NextGen exam, including examinations already administered in February and July of 2023 and in February of 2024

NOW, THEREFORE, pursuant to the Court's inherent power over admission to practice law, it is hereby

ORDERED:

Washington shall adopt the NextGen Bar Exam. The first administration of the NextGen Bar Exam in Washington shall be July 2026. Upon adoption of the NextGen Bar Exam, Washington will continue to accept BE scores for applicants seeking to transfer their scores for admission.

The WSBA shall propose necessary amendments to the APR to effectuate adoption of the NextGen Bar Exam, including setting the minimum passing score for the exam and identifying the corresponding BE score for those seeking to transfer scores from other jurisdictions.

APR 4(d)(1) is modified to allow for BE minimum passing score of 266 for the lawyer bar examinations administered in Washington State from July 2020 through the implementation of the NextGen Bar exam.

DATED at Olympia, Washington this 15th day of March, 2024.


CHIEF JUSTICE

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
Bobby Henry, Associate Director for Regulatory Services
DATE: August 13, 2024
RE: Proposed Amendments to WSBA Bylaws for Delivery of Pre-Suspension Notice Under APR 17

SECOND READ/ACTION: WSBA staff asks the Board of Governors to approve amendments to the WSBA Bylaws that would change the delivery method for the pre-suspension notice required under APR 17 to be delivered by first-class mail instead of certified mail. The requirement that the Bar contact the member by email and phone after delivering the pre-suspension notice would remain unchanged.

The proposed amendments to the WSBA Bylaws would require a pre-suspension notice for an administrative suspension under APR 17 to be delivered by regular first-class mail instead of by certified mail with return receipt. This would further advance the paperless goal for license renewal, reduce the staff time needed to assemble certified mail with return receipts, reduce postage paid, and might even increase notice to members.

Based on the discussion at the Board of Governors meeting on July 19, 2024, WSBA staff gathered additional information to supplement the memo dated June 14, 2024 (attached).

Returned Certified Mail

We have limited information about the return of pre-suspension notices because we save only the returned mail for members whose licenses ultimately were suspended. Using 2024 as an example, we know that of the 220 member suspensions, 93 of those had their certified mail notice returned, primarily as unclaimed. That means at least 42% of the suspended members did not receive the paper notice. It is possible that more members might not have received the notice if it was claimed at an address where the member can no longer be reached and was never forwarded on to the member. In fact, we know that this happened to at least one member this year. By using first-class mail, we are hopeful the notice will reach more members because members will not need to claim the mail to receive it. As discussed at the last Board of Governors meeting, the WSBA will continue to email and phone each member on the pre-suspension list.

Demographic Disparities

We reviewed the member demographics of members who received the pre-suspension notice for the years 2023 and 2024. We compared those reports to the overall membership demographics and did not identify any significant disparities between members who received the pre-suspension notice and the membership as a whole.

Notice Methods in Other Jurisdictions

We did additional research into the requirements for pre-suspension notices to lawyers in neighboring state bar associations. We found that it varies significantly as illustrated in the table below.

| State | Pre-Suspension Notice Delivery Method |
|--------------|--|
| Alaska | Certified Mail |
| Arizona | Certified Mail |
| Colorado | First-Class Mail |
| Idaho | First-Class Mail |
| Oregon | Email |
| Utah | Email |

In addition, we looked into notice methods used by federal agencies in other contexts. Again, we found that notice methods varied but it is not uncommon for the agency to consider first-class mail an acceptable form of notice. See attached Examples of Notice Methods.

Attachments

- Proposed Amendments to WSBA Bylaws Article III Section J - Markup
- Proposed Amendments to WSBA Bylaws Article III Section J - Clean
- BOG Memo Dated June 14, 2024
- Examples of Notice Methods

Proposed Amendments to WSBA Bylaws Article III Section J.3. Administrative Suspension

[page 15 of WSBA Bylaws Amended April 10, 2023]

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) 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) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLTTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
 - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by ~~registered or certified~~ first class mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
 - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.

- d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

Proposed Amendments to WSBA Bylaws Article III Section J.3. Administrative Suspension

[page 15 of WSBA Bylaws Amended April 10, 2023]

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 - 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
 - 9) 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) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLTLC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
 - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by first class mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
 - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
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Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
Bobby Henry, Associate Director for Regulatory Services
DATE: June 14, 2024
RE: Proposed Amendments to WSBA Bylaws for Delivery of Pre-Suspension Notice Under APR 17

FIRST READ: These proposed amendments to the WSBA Bylaws would eliminate the requirement for the pre-suspension notice under APR 17 to be delivered by certified mail and instead only require either first-class mail or email. The requirement that the Bar also contact the member by email and phone after delivering the pre-suspension notice would remain unchanged.

The proposed amendments to the WSBA Bylaws would require that an administrative pre-suspension notice be delivered by either regular first-class mail or email only instead of by certified mail with return receipt. This would further advance the paperless goal for license renewal, reduce the staff time needed to assemble certified mail with return receipts, and substantially reduce postage paid. WSBA staff is seeking input from the Board of Governors and WSBA members on the pros and cons of delivery by either email only or by regular first-class mail.

Background

WSBA has been increasingly reducing the amount of paper involved in the annual license renewal process. This year was the second year the WSBA did not mail license renewal forms to members and the first year to send no paper reminders at all—all direct communication was by email. Information about license renewal is also published in the *Bar News* and on wsba.org.

Members who fail to renew their licenses are subject to administrative suspension under APR 17. APR 17 directs the WSBA to determine pre-suspension notice requirements. Currently, the WSBA Bylaws require the WSBA to send members a paper pre-suspension notice by certified mail with return receipt. In addition, the WSBA must make at least one attempt to contact members by email and phone after the pre-suspension notice is delivered.

This year, the WSBA mailed 1,523 pre-suspension notices. The postage for each notice by certified mail return receipt requested is \$8.69.¹ Total certified mail postage this year was \$13,563. Of the 1,523 members receiving a pre-suspension notice, 220 members had their licenses suspended². This is essentially no different from prior years despite members having received no paper notices this year prior to the pre-suspension notice. In fact, the number of pre-suspension notices has been declining since 2022, the last year WSBA mailed license renewal forms to members. In addition, we had fewer suspensions this year than last year. It is clear members are receiving the information WSBA emails to members about license renewal.

¹ The postage rate for international certified mail is \$28.10; there were 17 international notices this year.

² One of the 220 was a House Counsel license which was terminated rather than suspended, as that is the consequence for failing to comply with all license renewal requirements under APR 8(f).

| Year | Pre-Suspension Notices | License Suspensions |
|------|------------------------|---------------------|
| 2024 | 1,523 | 220 |
| 2023 | 1,636 | 224 |
| 2022 | 1,909 | 216 |
| 2021 | 1,330 | 187 |

Eliminating the requirement to use certified mail would advance the paperless goal for license renewal by removing the extra paper involved with certified mail return receipt requested. In addition, certified mail is very labor-intensive requiring staff to go into the office and physically affix the green certified mail labels and return receipt cards to each envelope. Eliminating certified mail would free up approximately 50 hours of staff time.

WSBA staff is considering two options for delivery of the pre-suspension notice: by email or by regular first-class mail. For direct expenses, delivery by email would eliminate the full cost of postage by certified mail (\$13,563 this year) and the cost of the paper and envelopes. For delivery by first-class mail, it would reduce the cost of postage paid by only needing to pay the first-class mail rate of \$.68, which would've translated to \$12,199 in savings using this year as an example.

We do not anticipate the number of members suspended will increase due to eliminating the certified mail requirement. History shows us that the number of pre-suspension notices and suspensions remains fairly constant, if not trending downward, despite eliminating paper forms and reminders. In addition, WSBA will continue to call and email all members on the pre-suspension list after the notice is delivered.

This is not a novel approach to notifying members of a possible suspension of their license. In Oregon, not only are administrative pre-suspension notices delivered by email only, but failure to comply after the email notice results in an automatic suspension.³

WSBA regulatory staff look forward to the input from the Board of Governors and members on this issue.

Information for Fiscal Analysis

Provide information to help inform the Fiscal Analysis.

- *Described in memo.*

Information for Equity Analysis

Provide information to help inform the Equity Analysis:

- *We will use number of members ultimately suspended to indicate success or failure.*

³ See Section 6.7(e) of the Oregon State Bar Bylaws, <https://www.osbar.org/docs/rulesregs/bylaws.pdf>

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

Provided separately, 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 the proposal on direct costs for postage and staff time to prepare and mail paper notices are outlined in the memo. The estimated cost for paper and envelopes for notices in FY24 is less than \$100 for 1,523 notices. Additionally, WSBA staff time has been used to prepare this proposal and will require additional time to incorporate approved amendments to the relevant records. The staff time 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 the people who may be most impacted by this decision are the people who may be suspended for lack of complying with license renewal requirements. Short of directly soliciting input from people who were sent pre-suspension notices, it may be helpful to review the aggregated demographic information of past groups of people who were sent pre-suspension notices over the last several years. Reviewing this information could assist with determining whether there may be unintended consequences to particular groups of members.

Attachments

- Proposed Amendments to WSBA Bylaws Article III Section J

Examples of notice methods from other agencies (August 7, 2024):

- “Due process requires the government to provide parties with notice that is reasonably calculated to apprise all interested parties of actions affecting their interests.” *Tech. Testing Int’l LLC v. EPA*, 2017 U.S. Dist. LEXIS 127144, at 16 (N.D. Tex. July 21, 2017) (citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (noting that regulations permitting notice by either email, fax, or certified mail of suspension and debarment prohibiting a person from doing business with the federal government complied with due process requirements.)).
- Social Security Administration (SSA)
 - SSA is permitted to send initial disability notices to applicants for Social Security benefits by regular, first-class mail.¹ Initial disability notices are final, binding opinions of SSA on a person’s entitlement to benefits and, in the case of an adverse determination, provide notice of a person’s appeal rights.
 - SSA is also permitted to mail notices about further steps in the administrative appeals process by regular, first-class mail, including notices of determination on reconsideration,² ALJ hearing notices,³ and notices of Appeals Council determinations.⁴
 - SSA might use certified mail in certain special circumstances. For instance, SSA allows blind or visually impaired benefit recipients to elect to receive notices by several alternate means, including by certified mail.⁵ In addition, if an applicant in the ALJ appeals process fails to return a form back to SSA indicating the person received notice of their ALJ hearing, SSA will attempt to contact the person by phone. If the applicant informs SSA they did not receive the notice of hearing, SSA will send an amended notice by certified mail.⁶
- Supplemental Nutrition Assistance Program
 - Notices of hearings for intentional program violations, which may result in termination of food stamps, may be sent by regular, first-class mail, certified mail, or “any other reliable method.”⁷
- Office of Management and Budget debarment and suspension for nonprocurement programs and activities
 - The federal government’s nonprocurement debarment and suspension system is used to prohibit certain people and business from doing business with the federal government if

¹ 20 C.F.R. § 404.904.

² 20 C.F.R. § 404.922.

³ 20 C.F.R. § 404.938(a).

⁴ 20 C.F.R. § 404.973.

⁵ <https://www.ssa.gov/ssi/text-notice-ussi.htm>

⁶ 20 C.F.R. § 404.938(c).

⁷ 7 C.F.R. 273.16(3)(i).

the person or business is deemed not responsible. Regulations note that “exclusion is a serious action that a Federal agency may take only to protect the public interest.”⁸

- Written notice of a suspension or debarment action may be sent by either fax, email, or certified mail.⁹
- Department of Veterans Affairs (VA)
 - The VA permits notices of decisions on a person’s claim to VA benefits to be sent electronically if the claimant elects to receive electronic notice.¹⁰
- Notices of administrative wage garnishment
 - Notices from government agencies informing a debtor that the agency will be collecting money owed to the United States through an administrative wage garnishment may be sent by regular, first-class mail.¹¹
- Force-placed homeowners’ insurance
 - Where a homeowner has failed to maintain required homeowners’ insurance, Consumer Financial Protection Bureau regulations permit a mortgage company to notify a homeowner by regular, first-class mail that the mortgage company will be purchasing insurance to cover the home and billing it to the homeowner.¹²

⁸ 2 C.F.R. § 180.125.

⁹ 2 C.F.R. § 180.615; 2 C.F.R. § 180.975.

¹⁰ 38 U.S.C. § 5104(c).

¹¹ See *e.g.*, 12 CFR 313.81 (FDIC); 12 CFR § 1208.61 (Federal Housing Finance Agency); 13 CFR § 140.11(e) (Small Business Administration).

¹² 12 C.F.R. 1024.37(f).

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Catherine Schur, Assistant General Counsel, Policy
Renata Garcia, Chief Regulatory Counsel
DATE: August 8, 2024
RE: Out-Of-State Bar Member Voting Options and Recommendations

ACTION: This is the second read and request for approval of the proposed amendments to the WSBA Bylaws to permit voting in Board elections based on self-designated primary district of practice for active bar members who reside out of state but continue to practice law in Washington.

Background

At the July 19, 2024 Board of Governors meeting, the Board approved amendments to the WSBA Bylaws to remove references to the requirement that Washington bar members living outside the state of Washington maintain a resident agent within the state. The Board had previously voted to approve suggested amendments to the Admission and Practice Rules (APR) and Rules for Enforcement of Lawyer Conduct (ELC) that would likewise eliminate the resident agent requirement in the court rules.

Prior to these amendments, out-of-state bar members voted in district elections for WSBA Governors in the district where their resident agent was located.¹ Because the resident agent requirement has been eliminated, an alternative method of voting in district elections is now needed for out-of-state bar members.

WSBA staff provided a number of options to address this issue at the July 19 meeting and presented possible bylaw amendments for two of the options. The Board elected to proceed to a second reading of the option that would permit out-of-state bar members who continue to practice law within Washington to vote in the district of their primary Washington practice. All active out-of-state bar members would also continue to vote in elections for at-large governors.

Proposed Amendment

Under this proposal, all active out-of-state bar members would continue to vote in At-Large Governor and At-Large Young Lawyer Governor elections. In addition, any active bar member who resides outside Washington, but continues to practice law within Washington would vote in district elections in the district of their primary Washington practice.

Although the current Bylaws permit out-of-state bar members to request approval from the WSBA Executive Director to vote in their district of primary practice, very few bar members are aware this process exists. The proposed Bylaw requirements would eliminate the need for out-of-state bar members to ask for permission or affirmatively contact WSBA to ask to vote in the district of their primary practice. Instead, WSBA would streamline the process by collecting the information necessary to send the appropriate ballot to out-of-state bar members during the annual

¹ WSBA Bylaws, Art. VI.C.2.a.

license renewal process. During license renewal, bar members who reside out of state would indicate whether they continue to practice law in Washington and, if so, the district in which their practice of law primarily occurred.² They would then receive a ballot for the district and at-large governor elections in which they are eligible to vote. Streamlining this process has the potential to increase participation in elections by out-of-state bar members.

In addition, this voting method ensures regional representation for out-of-state bar members who maintain a connection to a particular community in Washington through their continued in-state practice of law. This is likely to be especially important for practitioners who live just across the border from cities such as Spokane and Vancouver and maintain a practice in Washington. These bar members make up a significant portion of active bar members who live outside Washington. Fifteen percent of active out-of-state bar members live in the counties bordering Washington. Permitting these members who still practice within Washington to vote in the district of their primary practice may encourage them to keep a connection to the communities in which they practice.

Attachments

Proposed WSBA Bylaw Amendments, mark up and clean copy
BOG Cover Memo dated June 17, 2024

² As discussed at the prior Board meeting, if a board member practices in multiple districts in roughly equivalent amounts, they may need to use their best judgment when deciding which district to select. Such decision-making, however, is unlikely to have a significant impact on governor elections overall because of the small number of individuals who will need to make such decisions. In addition, even in cases where a bar member must decide between the districts in which they practice, they will still be able to vote in a district to which they have a meaningful connection by virtue of their continued practice.

Suggested Amendments to WSBA Bylaws, Art. VI.C.2.a

1 Mark Up:

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3 VI. ELECTIONS

4 A. – B. [Unchanged]

5 C. ELECTION OF GOVERNORS

6 1. [Unchanged]

7 2. Voting in the Election of Governors from Congressional Districts will be conducted in the
8 following manner:

9 a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in
10 the BOG election for their district, subject to the election schedule shown above. Active
11 members residing in the State of Washington may only vote in the district in which they
12 reside. Active members residing outside the State of Washington who engage in the practice
13 of law in Washington may ~~only~~ vote in ~~the district of the address of the agent they have~~
14 ~~designated within the State of Washington for the purpose of receiving service of process as~~
15 ~~required by APR 13, or, if specifically designated to the Executive Director, within the district~~
16 of their primary Washington practice. Active members residing outside the State of
17 Washington who do not engage in the practice of law in Washington may only vote in At-
18 Large Governor elections.

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Suggested Amendments to WSBA Bylaws, Art. VI.C.2.a

1 Clean Copy:

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3 VI. ELECTIONS

4 A. – B. [Unchanged]

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13 of law in Washington may vote in the district of their primary Washington practice. Active
14 members residing outside the State of Washington who do not engage in the practice of law
15 in Washington may only vote in At-Large Governor elections.

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TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
Catherine Schur, Assistant General Counsel, Policy
DATE: June 17, 2024
RE: Out-Of-State Bar Member Voting Options and Recommendations

DISCUSSION: Discuss options for out-of-state member voting in response to the elimination of the resident agent requirement including the merits and barriers of each option.

FIRST READ: Based on the information presented in this memo, we have included suggested WSBA Bylaw amendments for two of the approaches below so as to eliminate any delay in the policy-making process. If the Board chooses to proceed with either option, WSBA Bylaw amendments will be presented at the next meeting for action.

Background

At its May 2, 2024 meeting, the WSBA Board of Governors voted to approve suggested amendments to the Admission and Practice Rules (APR) and Rules for Enforcement of Lawyer Conduct (ELC) that would eliminate the requirement that out-of-state attorneys maintain a resident agent within Washington. This change in the rules was prompted, first, by member feedback that the resident agent requirement was burdensome and, second, by WSBA staff's experience that the requirement was both frequently ignored and infrequently used for its intended purpose of facilitating service of process. The suggested amendments to the court rules have been sent to the Washington Supreme Court for their consideration.

Removal of the resident agent requirement impacts several sections of the WSBA Bylaws, including Article VI, Section C, which governs voting procedures. At present, Article VI, Section C of the Bylaws states that, for purposes of district governor elections,

“Active members residing outside the State of Washington may only 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, if specifically designated to the Executive Director, within the district of their primary Washington practice.”¹

All active members, including those living outside Washington, may also vote in all at-large governor elections and, if eligible, elections of the At-Large Young Lawyer governor.² As the WSBA Bylaws note, “[r]egardless of the method

¹ WSBA Bylaws, Art. VI.C.2.a.

² WSBA Bylaws, Art. VI.C.3.

by which any person is selected to serve on the BOG, each Governor will act in the best interest of all members of the Bar and the public.”³

At the May 2, 2024 meeting, the Board of Governors requested that WSBA staff present options for the Board to consider for adapting Article VI, Section C to the elimination of the resident agent requirement in the court rules, should the Court choose to adopt those changes. This memo provides a number of options to address this issue and notes potential benefits and drawbacks to each.

Based on these benefits and hurdles, we have included draft Bylaw revisions for the options that appear most viable. If the Board agrees that one of these options is the best path forward, this will allow the Board to proceed with the first reading at the July 18-19, 2024 meeting. We also note below which of the options best appears to balance preserving out-of-state members’ votes in elections that are consequential to them, out-of-state members’ input, ease of administration of the elections for members and the Bar, and ensuring the Board is equitably representative of all members.

Community Input

As of the date of this memo, 7,564 active members indicate they reside outside a Washington congressional district.⁴ Following the May 2, 2024 Board meeting, WSBA staff sent a survey to out-of-state members requesting their input on resident agent and voting matters. Three-hundred and seventy-three people responded to the survey. Respondents overwhelmingly stated that eliminating the resident agent requirement was important to them, with 79% answering that it was extremely or somewhat important.

With respect to Board elections, the survey indicates out-of-state members are not significantly engaged with WSBA elections. Only 19% of respondents indicated they had ever voted in a BOG election while residing outside of Washington, although 48% stated voting in BOG elections was somewhat or extremely important to them. In addition, only 22% indicated they were aware they could vote in the district of their resident agent and only 8% indicated they were aware of the option to request to vote in the district of their primary practice within Washington. It is likely these responses overstate the engagement of out-of-state bar members because the segment of out-of-state members who are likely to respond to a survey from WSBA are also likely to be more interested in bar affairs generally than the much larger proportion of out-of-state members who chose not to respond to the survey.

Other Legal Requirements for Registered/Resident Agent in Washington

One question raised at the May 2, 2024 Board meeting was whether a registered or resident agent was required for attorneys under other circumstances, such as to operate a business in Washington. In Washington, corporations, nonprofits, limited liability partnerships, limited partnerships, and general or limited cooperative associations are required to designate and maintain a registered agent with the Washington Secretary of State.⁵ A law practice may operate under one of several of these business structures. The registered agent requirement applies to both

³ WSBA Bylaws, Art. IV.A.2.c. *See also* WSBA Policy 311, which outlines the Board of Governors and Board Officer Roles and Responsibilities (“Although members [of the Board] are elected by specific constituencies, as governors they have a duty to act in the best interests of all members of the Bar and the public.”), available at https://www.wsba.org/docs/default-source/about-wsba/governance/bog-policy-index/policy-311-board-of-governors-and-board-officer-roles-and-responsibilities.pdf?sfvrsn=c9311ff1_1.

⁴ *See* June 4, 2024 WSBA Demographics Report, available at https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_251.

⁵ *See* RCW 23.95.405.

domestic business entities, whose internal affairs are governed by Washington law, and registered foreign entities, whose internal affairs are governed by the law of a jurisdiction other than Washington.⁶ The business may be served with any process, notice, or demand required or permitted by law by serving the registered agent.⁷ If the entity ceases to have a registered agent or the registered agent cannot be served, Washington statutes permit service instead by registered or certified mail to the entity's principal office or to the Secretary of State.⁸

Although it does not appear that sole proprietorships are necessarily required to register an agent for service of process with the Washington Secretary of State, most sole proprietorships must apply for a business license, which requires disclosure of a mailing address and physical address for the business. A sole proprietorship's address, including for out-of-state businesses, can be found using the Washington Department of Revenue's Business Lookup.

Examples from Other States

From our review of voting policies for out-of-state bar members in other integrated bar associations, it appears most bar associations in other states do not provide a mechanism for nonresident members to vote in district-based bar elections. The state bar associations of Alabama⁹, Alaska¹⁰, Hawaii¹¹, Idaho¹², Kentucky¹³, Louisiana¹⁴, Michigan¹⁵, Montana,¹⁶ Nevada,¹⁷ North Dakota¹⁸, Rhode Island¹⁹, South Dakota,²⁰ Utah²¹, Virginia²², and Wyoming²³ include a residency requirement for members to vote in their equivalent of district-based elections.

Several states, however, do permit out-of-state members to vote in district-based elections. Arizona²⁴, Missouri,²⁵ and Nebraska,²⁶ for example, provide that active out-of-state members may vote in the district of their most recent

⁶ RCW 23.95.105(4), (10); RCW 23.95.405.

⁷ RCW 23.95.450(1).

⁸ RCW 23.95.450(2), (4).

⁹ Alabama State Bar Election Rules, pg. 8 (available at <https://www.alabar.org/assets/2021/03/ASB-ElectionRules-Rev032021.pdf>).

¹⁰ Bylaws of the Alaska Bar Ass'n, Art.V, sec. 2.

¹¹ Hawaii State Bar Ass'n, Constitution and Bylaws, Art. V, sec. 2(b).

¹² Idaho Stat. Ch. 4, § 3-403.

¹³ Kentucky Sup. Ct. Rule 3.080.

¹⁴ Louisiana State Bar Ass'n, Articles of Incorporation, Art. VII, sec. 2; Art. VIII, sec. 3.

¹⁵ State Bar Rules of Michigan, Rule 5, sec. 4 (available at <https://www.courts.michigan.gov/4a5778/siteassets/rules-instructions-administrative-orders/rules-concerning-the-state-bar/rules-concerning-the-state-bar-of-michigan.pdf>).

¹⁶ Montana State Bar Bylaws, Art. III, secs. 2, 3 (available at https://www.montanabar.org/About-Us/State-Bar-Bylaws#_Article3).

¹⁷ Nev. Sup. Ct. Rules, Rule 81, 82.

¹⁸ State Bar Ass'n of North Dakota Bylaws, Sec. 3.2.

¹⁹ Rhode Island Bar Association Bylaws, Sec. 4.3.

²⁰ South Dakota Bar Association Bylaws, Art. 7.5.

²¹ Utah Code of Judicial Admin. Rule 14-205(h)(1)

²² Bylaws of the Virginia State Bar and Council, Part II, art. II.

²³ Wyo. Ct. Rules, Rule 3, Art. VII(a)(3).

²⁴ Ariz. Sup. Ct. Rules, Rule 32(e)(2)(D).

²⁵ Missouri Sup. Ct. Rule 6.01(i).

²⁶ Neb. State Bar Ass'n Bylaws, Art. III, sec. 6.

in-state residence or place of business. New Hampshire²⁷ and Oregon²⁸ have a designated out-of-state governor position on their governing boards. New Mexico also designates one governor to represent out-of-state bar members, but includes out-of-state bar members residing in El Paso County, Texas in the neighboring districts within New Mexico.²⁹

A few states, including Georgia³⁰, South Carolina,³¹ and Wisconsin,³² employ a model where a large governing body akin to a legislature governs the bar association and may include out-of-state representatives. Texas uses a similar structure, but out-of-state members are non-voting liaisons.³³

Voting Options

The following are several possible options to permit out-of-state bar members to participate in Board of Governors elections:

1. *Permit out-of-state bar members to vote only in at-large governor elections*

Under this option, out-of-state bar members would retain the ability to vote in at-large governor elections, while the option to vote in district elections on the basis of their resident agent would be eliminated. This option would be simple to administer and would not require extra labor on members' part to meet the qualifications to vote. However, as discussed at the May 2 BOG meeting, this reduces out-of-state members' opportunities to express a preference for board candidates.

2. *Permit out-of-state bar members to voluntarily designate a resident agent with a Washington address for purposes of voting in elections in the district where their resident agent is located*

Assuming the Washington Supreme Court eliminates the mandatory resident agent requirement for out-of-state members, this option would permit out-of-state members to maintain a resident agent voluntarily for purposes of establishing residency for voting in BOG district elections. The out-of-state member would select a Washington resident agent in a location of their choice and would vote in the district where that agent is located. The primary benefits of this system are that out-of-state bar members who wish to participate in district elections have a mechanism to do so and that mechanism would require little modification to the way WSBA currently administers elections. Out-of-state members would continue to inform WSBA of the address of their resident agent, just on a voluntary basis rather than mandatory.

This method of voting, however, continues to present administrative burdens and costs for out-of-state members who wish to vote. The predominant purpose of eliminating the resident agent requirement is to reduce the burdens on out-of-state members. This voting method would reintroduce those burdens. Moreover, this method runs counter to the desires of most out-of-state bar members, for whom eliminating the need to maintain a resident agent is a

²⁷ New Hampshire Bar Ass'n Constitution, Art. V, sec. 1.

²⁸ ORS § 9.025(2)(b).

²⁹ Rules Governing the New Mexico Bar, 24-101(D)(10).

³⁰ State Bar of Georgia, Bar Handbook, Rules 1-302, 1-304 (available at <https://www.gabar.org/handbook/index.cfm#handbook/rule26>).

³¹ South Carolina Bar, Constitution, Sec. 6.2(6).

³² See <https://www.wisbar.org/aboutus/leadership/Pages/Board-of-Governors.aspx>.

³³ Texas State Bar Board Policy Manual, Part 1.02(5).

high priority. As noted above, 79% of survey respondents said it was important to them to eliminate the resident agent requirement. Only 14.4% of respondents agreed that voting based on the location of a voluntary resident agent would best represent their interests on the board, while 33.7% disagreed.³⁴ Especially without the Court’s requirement to maintain a resident agent, the outcome of conditioning voting on voluntarily designating an agent may in fact be to decrease out-of-state bar members’ participation in elections because of the extra steps required to become eligible to vote in district elections.

Also discussed at the May 2 meeting was the potential for out-of-state bar members to strategically designate a resident agent in a district where they wish to vote, but to which the member has no connection beyond the agent. Just as with a mandatory resident agent requirement, such maneuvering could still occur with a voluntary resident agent. An unintended consequence of this method could also be that out-of-state bar members select the location of their resident agents based on administrative considerations, rather than considerations related to their bar membership. For instance, out-of-state members may tend to designate agents in urban areas, where more professional registered agents are located or where mail can be sent and received quickly. This could skew the populations included in certain districts more heavily than others.

Regardless of the likelihood of these outcomes, the ability to select a resident agent in any location in Washington does mean that out-of-state bar members could vote in a district to which they have no meaningful connection. Although governors have a responsibility to act in the best interests of the entire bar membership, district representation nonetheless allows governors to establish a connection to the individuals living and practicing within their district. As noted in the Bylaws, one of the responsibilities of district governors is to “bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar,” and to “bring information to the members in the district [. . .].”³⁵

Lastly, an additional hurdle presented by this method of voting is that it would likely require significant outreach to inform out-of-state members that they must voluntarily designate a resident agent if they wish to vote in district elections. As the survey of out-of-state bar members reveals, few respondents were aware they could vote in district elections based on the location of their resident agent. Eliminating the mandatory resident agent requirement while still requiring a voluntary resident agent for voting has the potential to create confusion about the voting requirements and regular education campaigns would be needed to ensure out-of-state bar members were aware of their voting options.

3. Randomly assign out-of-state bar members to a district for purposes of voting

In this method of voting, upon notification from a bar member that their residence is located outside Washington, WSBA would assign the bar member to a district on a random basis. This option appears relatively easy to administer and does not require significant additional steps on the part of the out-of-state member. A possible downside to this option is that out-of-state bar members would have no connection to the district to which they are assigned, as discussed with respect to the voluntary resident agent option. This method could discourage participation in elections by out-of-state members—or at least fail to engender participation beyond current levels—because the out-of-state member would not be invested in the community with which they are voting. Additionally, in our survey,

³⁴ 51.9% of respondents were neutral on this method.

³⁵ WSBA Bylaws, Art. IV.A.2.d.

47.3% of respondents did not think this method would best represent their interests on the board as compared to the 11.8% who thought it would represent their interests.³⁶

- 4. Permit all out-of-state bar members to vote in all at-large elections. Out-of-state bar members who practice in Washington would also be permitted to vote in the district of their primary practice, which they would indicate annually during license renewal.*

Under this proposal, all out-of-state bar members would continue to vote in At-Large Governor and At-Large Young Lawyer Governor elections. In addition, any bar member who resides outside Washington, but continues to practice law within Washington would vote in district elections in the district of their primary Washington practice. Out-of-state practitioners would self-designate the district in which their Washington practice predominantly occurs during the annual relicensing process.

Under the current Bylaws, out-of-state bar members may vote in the district of their primary practice if they wish, but they must take the affirmative step of contacting the WSBA Executive Director to ask for approval to vote in that district. Many out-of-state bar members are unaware of this process. Only 8% of respondents to our survey stated they knew they could vote in their primary practice district.

This proposal would eliminate the need for out-of-state bar members to proactively contact the Bar for a ballot in the district of their primary practice. Instead, out-of-state bar members would be prompted during the annual relicensing process to indicate if they continue to practice law in Washington, and if so, the district in which their practice primarily occurred. They would then automatically receive a ballot for that district election.

A benefit of this option is that it provides regional representation for out-of-state bar members who maintain a connection to a particular community in Washington through their continued practice of law in that region. As previously discussed, regional representation provides a significant way for Board governors to identify and address issues important to the community that elected them. This helps ensure the Board as a whole is aware of matters important to bar members across the state—and beyond—and that the particularized interests of specific populations of bar members are not overlooked. With respect to out-of-state practitioners, this is particularly salient in areas such as Spokane, Vancouver, and other population centers along the state border, where a strong contingent of bar members may practice across state lines. These cross-border practitioners have specialized concerns, for instance with respect to reciprocity or advising clients on operations within multiple states, that could be raised through either their district or at-large governors.

In addition, this proposal has the potential to increase out-of-state bar members' participation in elections both because the process of receiving a district ballot will become more automated and because the election will be relevant to the region in which the out-of-state member practices. 45.3% of survey respondents also said they thought a governor in the district of their primary would well-represent their interests, with only 11.9% disagreeing.³⁷

Lastly, WSBA anticipates this system will be fairly straightforward to administer and, at the very least, will not be any more burdensome to administer than the current system.

³⁶ 41% of respondents were neutral on this method.

³⁷ 42.8% of respondents were neutral on this option.

This option does, however, mean that out-of-state members who no longer practice within Washington will vote only for at-large governors. While this provides them with representation on the Board, it does provide them fewer opportunities to elect additional preferred candidates. Nonetheless, Board governors give every indication of taking seriously their duty to all bar members regardless of residence, thus out-of-state bar members interests are unlikely to go unprotected under this option. 50% of out-of-state bar members who responded to our survey also indicated they agreed that their interests are well represented by an at-large governor, with only 7.6% disagreeing.³⁸

Finally, as with the present system of self-designating either a district of primary practice or a resident agent, there is the potential for out-of-state members to strategically designate a primary practice district. However, such tactics are possible under the current policies but have not led to any drastic results for our Board elections. This problem, therefore, would appear to be a fairly remote possibility. To further protect against this possibility, the out-of-state bar member could provide the information about their primary place of practice in the form of a declaration.

5. *Add a Board of Governors seat for out-of-state members*

Here, a dedicated governor for out-of-state members would be added to the Board. The position would be elected only by out-of-state members. Although this position could potentially be filled by any active bar member, we recommend that any policy implementing this proposal require the position to be filled by someone who is an out-of-state bar member themselves. Given that the purpose of the position would be to ensure out-of-state bar members' perspectives are adequately represented on the Board, filling the position with an out-of-state member would best accomplish this goal. In addition to voting for the out-of-state governor, out-of-state bar members would continue to vote for at-large governor positions.

The clear benefit of this option is that it provides strong representation for out-of-state bar members on the Board of Governors. A large percent of survey respondents agree that a dedicated governor seat would represent their interests well with 67.9% agreeing, as compared to just 7.5% expressing disagreement.³⁹

The State Bar Act is a consideration in any proposal to increase the size of the Board of Governors. The Act establishes a Board of no more than fifteen members.⁴⁰ Please refer to the legal risk analysis for further discussion.

Adding a Board member may come with several potential challenges. First, as discussed at the May Board meeting, adding a governor who resides outside Washington, and potentially overseas, will increase Board costs. Between 2014 and 2016, the WSBA Board of Governors explored, and eventually adopted, policies adding three new at-large seats to the Board. Those positions, however, were never ultimately filled and, in January 2020, the Board eliminated the seats. The cost of adding governor positions appears to have been one impetus for rescinding the prior expansion of the Board. At that time, the estimated cost of adding a governor located in Spokane was estimated to be \$11,000 per year (equivalent to \$13,350 today).⁴¹ It would be reasonable to expect at least a similar cost for adding an out-of-state board member, however, this cost could be much greater depending on the residence of the governor.

³⁸ 42.5% of respondents were neutral on this option.

³⁹ 24.5% of respondents were neutral on this option.

⁴⁰ RCW 2.48.030.

⁴¹ See January 16-17, 2020 Board of Governors Meeting Materials, *Summary and Compilation of New Governors Workgroup Materials*, pg. 226 (available at https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-materials-archive/bog-meeting-materials-2019-2020/board-of-governors-meeting-materials-january-2020.pdf?sfvrsn=20830ff1_4#page=226).

A second consideration is ensuring the Board of Governors is an appropriate size to allow for efficient action. Currently, the Board of Governors consists of the Board President, 11 district governors, and three at-large governors.⁴² In addition, the President Elect, Immediate Past President, and WSBA Executive Director, although not voting members of the Board, serve as officers.⁴³ Accordingly, up to 18 individuals are involved in the governance of the Bar.

Considerations of Board size also factored into the 2020 decision to eliminate the three additional at-large Board positions.⁴⁴ The Board of Governors at that time noted that the ill effects of an overly large Board might include difficulty communicating effectively between all Board members, free-rider problems where a small subset of Board members ends up carrying the responsibility for more than their fair share of duties, lack of engagement from Board members, and ineffective oversight of Bar activities. Similar issues may arise with the expansion of the Board to add another governor for out-of-state members. Increasing the size of the Board by one seat, however—for a total of 19 governing individuals—may not have a significant impact on the Board’s current ability to conduct business.

Lastly, recruiting out-of-state bar members to run as candidates for a dedicated out-of-state governor position may prove challenging. Our survey of out-of-state bar members indicates they are not engaged with Board elections. Again, only 19% indicated they had ever voted in a Board election while residing outside of Washington. With Spokane located on the border with Idaho and Portland just over the border in Oregon, there may be a population of Washington bar members in bordering states to draw from to serve on the Board. However, the geographic spread of out-of-state members may nonetheless make it difficult to locate candidates and for those candidates to engage with their constituency once elected.

6. *Convert one at-large governor position to an at-large governor position dedicated solely to out-of-state members*

Under this proposal, one of the three current at-large governor positions would be converted to a dedicated governor for out-of-state members and would be elected only by out-of-state members. Out-of-state members would also retain the ability to vote in the remaining at-large governor elections. Again, while perhaps less engaged in bar matters than in-state members, there are a significant number of active bar members who reside out-of-state. This method would ensure they receive clear representation on the Board. This method also avoids issues associated with increasing the size of the Board.

The primary downside to this method, however, would be the loss of one of the current at-large governor positions. Those positions were created as a way to increase representation of communities that have been historically underrepresented in the legal profession and to give a voice to lawyers who are new to the profession.⁴⁵ Repurposing one of those positions for an out-of-state at-large governor may dilute the representation of those perspectives on the Board.

⁴² See RCW 2.48.030; WSBA Bylaws Art. IV.A.1

⁴³ WSBA Bylaws, Art. VI.B.

⁴⁴ See January 16-17, 2020 Board of Governors Meeting Materials, *Summary and Compilation of New Governors Workgroup Materials*, pg. 226 (available at https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-materials-archive/bog-meeting-materials-2019-2020/board-of-governors-meeting-materials-january-2020.pdf?sfvrsn=20830ff1_4#page=223).

⁴⁵ See WSBA Bylaws, Art. VI.C.3.a.

Conclusion

This memo presents a number of voting options for the Board to consider for out-of-state bar members. Of these options, we have provided draft Bylaw amendments for options 4 and 5. Based on the drawbacks and more limited benefits of the remaining options, we have not provided draft amendments for those options. However, should the Board wish to pursue those options or others not presented here, we would be more than willing to draft additional materials at the Board's direction.

The decision of which option to proceed with is ultimately the Board's. However, option 4 appears to best protect out-of-state bar members representation on the Board while also avoiding some of the potential downsides of increasing the size of the Board, as discussed in option 5. In addition, option 4 preserves out-of-state practitioners' connections to their Washington communities and removes barriers for them to participate in Board elections. Although out-of-state bar members who no longer practice in Washington would not vote in district elections, they would still be able to vote in at-large governor elections. This would ensure they are represented on the Board and could voice their preferences, even if they no longer have a geographic connection to Washington by virtue of ceasing to practice in the state.

Information for Fiscal Analysis

Provide information to help inform the Fiscal Analysis:

- *The options presented in this memo affect the process for out-of-state bar members to vote in Board of Governor elections*
- *Staff time may be required to administer elections and to create the online processes necessary to implement the process*
- *With respect to Option 5, which would create a new BOG seat to be filled by an out-of-state bar member, this will increase the overall cost of administering the BOG. The total additional cost would be impacted by the out-of-state governor's residence.*

Information for Equity Analysis

Provide information to help inform the Equity Analysis:

- *The primary purpose of all options presented in this memo is to ensure out-of-state bar members are represented on the Board of Governors*
- *This memo discusses the ways in which the options make distinctions between in-state members, out-of-state members, and out-of-state members who continue to practice in state*
- *Options #4 or #5, for which Bylaw amendments are included, reduce the present barriers for out-of-state members to vote in Board elections*

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Provided separately 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 the proposed options includes both indirect (salaries, benefits, and overhead) and direct expenses. In any of the proposed options, there are indirect expenses for WSBA staff time to develop and implement changes to align with the option selected, ongoing administration of the selected option, and incorporation of any approved revisions 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. The impact on direct expenses is dependent upon the option selected. For options one through four, there may be minimal impact on cost for our elections platform which includes an average charge per voter of \$0.45, per seat. Depending on voter turnout, the cost could fluctuate. The fiscal impact of option five would include costs for the additional governor seat to administer elections (approximately \$2,500 annually) and expenses related to their service as a governor such as attendance at Board meetings, outreach, and conferences (approximately \$13,350 noted earlier in the memo). Those costs are estimated based on the current WSBA fiscal policies which allow for reimbursement of expenses for volunteers who reside outside of Washington state, limited to the approximate cost of in-state travel (i.e. cost of travel from the nearest WA border to the location of the particular meeting). If the Board of Governors wish to amend the fiscal policies to include a provision for reimbursement for this specific seat, the fiscal impact would vary greatly depending on the policy limitations and location of residence of the elected governor. In option six, it is possible there would be a reduction in elections platform costs, which are based on a per-voter charge. The current at-large positions are based on a member-wide voter pool and converting one of these positions to an out-of-state position would mean a reduction in the total members eligible to vote.

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. WSBA staff who are presenting this proposal have based their recommendations on direct input from out-of-state members as well as staff who handle administrative work of supporting out-of-state members and membership elections. Based on our review, there do not appear to any concerns about inequitable outcomes with regards to the recommended Option Four.

We do have concerns with Option Six. As stated above, the At-Large Governor positions are designed to bring more diversity and representation of members from historically underrepresented communities. The bylaws provide that “Diversity refers to meaningful representation of, and equal opportunities for, individuals who have a lived experience as a member from one or more historically underrepresented communities in the legal profession. Underrepresentation encompasses and is not limited to, race, disability, age, ethnicity, religion, sexual orientation, gender identity, and gender expression.” If the Board of Governors considers Option Six, those from these historically underrepresented communities should be given an opportunity to share their perspectives about reducing the current At-Large positions to one.

If the Board of Governors considers creating an additional BOG seat outlined in Option Five and engages in a cost-benefit analysis, we recommend that the BOG also consider other voices that are not at the table, namely members of the public.

Attachments

Resident Agent Feedback and Voting Survey
Option 4 Proposed WSBA Bylaw Amendments
Option 5 Proposed WSBA Bylaw Amendments

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
Doug Ende, Chief Disciplinary Counsel
DATE: August 13, 2024
RE: Inactive License Fee Exemption Due to Significant Health Condition

ACTION: This is the second read and request for approval of the proposed amendments to the WSBA Bylaws to provide for an exemption of the inactive license fee for members who are on inactive status because they are experiencing a significant health condition.

Approval of the attached proposed amendments to the WSBA Bylaws would provide a member who is experiencing a significant health condition the option to request an exemption of the inactive license fee on an annual basis. Only members who certify they are experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status, would qualify for the inactive license fee exemption. This removes voluntary transfers to inactive status due to a significant health condition from the discipline system.

At its July 19, 2024 meeting, the Board of Governors reviewed these proposed amendments to the WSBA Bylaws for first read. The cover memo from the July meeting and the endorsement letter from the Disciplinary Advisory Round Table are attached as reference.

Since the July meeting, the Washington Attorneys with Disabilities Association (WADA) has come out in support of this proposal. The WADA letter in support is attached.

Attachments

1. Proposed Amendments to WSBA Bylaws - Markup
2. Proposed Amendments to WSBA Bylaws - Clean
3. BOG Cover Memo Dated June 14, 2024
4. DART Letter Endorsing Proposal
5. WADA Letter in Support of Proposal

Proposed Amendments to WSBA Bylaws Article III Section I.

New Provision for Inactive License Fee Exemption Due to Significant Health Condition

6. Inactive License Fee Exemption Due to Significant Health Condition

The Executive Director may grant an exemption from payment of the annual license fee by any Inactive member who is experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status. A request must be submitted on or before February 1st of the year for which the exemption is requested. Inactive license fee exemptions under this section are for one calendar year only. An exemption request under this section can be submitted annually. Denial of an exemption request is not appealable.

67. License Fee Referendum

[No Changes.]

Proposed Amendments to WSBA Bylaws Article III Section I.

New Provision for Inactive License Fee Exemption Due to Significant Health Condition

6. Inactive License Fee Exemption Due to Significant Health Condition

The Executive Director may grant an exemption from payment of the annual license fee by any Inactive member who is experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status. A request must be submitted on or before February 1st of the year for which the exemption is requested. Inactive license fee exemptions under this section are for one calendar year only. An exemption request under this section can be submitted annually. Denial of an exemption request is not appealable.

7. License Fee Referendum

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TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Doug Ende, Chief Disciplinary Counsel
Renata Garcia, Chief Regulatory Counsel

DATE: June 24, 2024

RE: Inactive License Fee Exemption Due to Significant Health Condition

FIRST READ: Discussion and first read of proposed WSBA Bylaws amendment to provide for an exemption of the inactive license fee for members who are on inactive status because they are experiencing a significant health condition.

Since March 2023, WSBA regulatory staff have been consulting with the Disciplinary Advisory Round Table (DART) on the development of an improved process to address member requests to transfer to disability inactive status when no grievance or disciplinary proceeding is pending. At the March 20, 2024 meeting of the DART, the DART members reached a general consensus to recommend that WSBA staff pursue a process or program whereby a WSBA member who is unable to practice law because of mental or physical incapacity could apply for an exemption or waiver of the annual inactive license fee when seeking to transfer to inactive status. On July 8, 2024, WSBA staff will present this proposal to the DART and ask for its endorsement.

Background

The primary purpose of disability proceedings under the Rules for Enforcement of Lawyer Conduct (ELC) (and related disciplinary rules for LPOs and LLLTs) – consistent with the Supreme Court’s overarching GR 12.1 regulatory objectives – is to protect the public. Under the rules and Supreme Court precedent, it is incumbent on the Bar in such proceedings to ensure members have representation when unable to represent themselves. When a member exhibits conduct during an investigation that could indicate a lack of physical or mental capacity to practice law, or such conduct is reported to the WSBA, or when a member exhibits conduct during a disciplinary proceeding that could indicate an inability to assist counsel in defending a disciplinary proceeding and/or a lack of physical or mental capacity to practice law, then the rules authorize the initiation of disability proceedings under ELC Title 8. Disability proceedings may involve a hearing (ELC 8.2 or 8.3) or stipulation (ELC 8.4) resulting in the transfer of the member’s license to disability inactive status. A transfer to disability inactive status can also happen automatically when a member is found by a court to be incompetent or lack capacity. See ELC 8.1. While on disability inactive status, a member does not pay a WSBA license fee. Accordingly, the member does not have an annual license renewal and does not receive general communications from the WSBA. To return to active status, the member must initiate a proceeding under the disciplinary procedural rules to establish that the reason for the transfer to disability inactive status has been removed. See ELC 8.8(a).

The ELC do not anticipate situations where a member voluntarily chooses to transfer to disability inactive status when there is no third-party allegation of incapacity, no grievance, and no pending disciplinary proceeding.

Nevertheless, the WSBA has permitted members to voluntarily seek disability inactive status through a stipulation under ELC 8.4. There is general agreement that in the context of voluntary requests, this approach is not ideal. Such members do not expect to become involved with the Office of Disciplinary Counsel, the Disciplinary Board, or the procedures applicable to disability proceedings under the ELC, including appointment of counsel and production of evidence of physical or mental condition related to the asserted lack of capacity. In addition, the ELC-based process is time-intensive and work-intensive for both the member and WSBA staff. Because the process is time consuming, it often cannot be completed in time to achieve a status change before the annual licensing fee due date, which is the reason many members seek such a status change in the first place. A voluntary transfer to disability inactive status can also be considered stigmatizing because, upon transfer, disability inactive status is public and public-facing information.

Accordingly, when considering the various alternative methods for implementing an inactive license fee exemption for members experiencing a significant health condition, WSBA staff focused on creating a process that would 1) avoid the burden of an ELC Title 8 proceeding in the discipline system, 2) grant financial relief to a member who is unable to practice law, and 3) address the concern of a potentially stigmatizing "disability inactive" status.

In addition, WSBA staff wanted to make the request process as easy and unobtrusive as possible for the member while also keeping the administrative process for staff as simple and efficient as possible.

Proposal

The WSBA staff proposes a relatively simple process whereby a member who is experiencing a significant health condition can simply transfer to "regular" inactive status and then request an exemption of the inactive license fee on an annual basis. Only members who certify they are experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status, would qualify for the inactive license fee exemption. This is not the same standard as used in ELC 8.3(b)(3) which requires a member to be "unable to practice law because of mental or physical incapacity."

Members would be able to submit a request using a simple online form on which they declare they are experiencing a significant health condition that is the reason for transferring to inactive status or that is preventing them from returning to active status. The form would not ask members to disclose the disability, condition, or any related medical records, but the WSBA may request reasonable documented proof. The request would only be used for purposes of waiving the inactive license fee. Members would be able to request the exemption annually by the license renewal deadline of February 1, which is the same deadline for the extreme financial hardship exemption for the active license fee. See WSBA Bylaws Art. I Sec. 5.

We expect only a handful of members to make a request for the exemption. Attached are disability inactive statistics from the last ten years demonstrating that the number of members transferring to disability inactive status ranges from two to seven members each year. Due to the small number of anticipated requests, we expect most if not all requests would be approved upon initial review. One or two might require a follow-up inquiry from WSBA staff to cure deficiencies such as lacking a signature. On rare occasions a request could potentially be rejected, e.g., when a transfer request is submitted by a person other than the member.

Because the member would change to inactive status through an administrative rather disciplinary process, the member's public status on the Legal Directory would simply be inactive like any other member on inactive status. This will hopefully allow members concerned about stigma associated with a "disability inactive" status to seek an

appropriate status adjustment without public labeling. The fee exemption affords the member the added financial benefit of a waived license fee while they focus on their health condition rather than a time-consuming disability proceeding under the ELC.

Finally, just like any member in inactive status, a member who previously sought this relief will be able to follow the standard process to return to active status as set by the WSBA Bylaws. The process starts with the member requesting an application to change to active status and paying a \$100 fee. WSBA staff then provides personalized instructions to the member (the requirements to return to active status vary depending on how long a member is in inactive status). The application is generally processed within two weeks, which is substantially shorter than an ELC 8.8 reinstatement proceeding to determine whether the disability has been removed.

The inactive license fee exemption can be implemented by amending the WSBA Bylaws and developing a request process or form to occur during the annual license renewal season. A draft of proposed amendments to the WSBA Bylaws is attached.

We look forward to the input from the Board of Governors and members on this issue.

Information for Fiscal Analysis

- *Possibly one to four inactive members per year might qualify and take advantage of this exemption.*
- *Staff time will be needed to develop a process in online licensing for this exemption. Part of existing staff duties.*

Information for Equity Analysis

- *The memo identifies the equity considerations.*

Attachments

1. WSBA Transfers To and From Disability Inactive Status Statistics
2. Proposed WSBA Bylaws Provision for Inactive License Fee Exemption

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

Provided separately 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 includes a minimal reduction in licensing fee revenue and staff time used to support the development of the proposal, revise internal processes, incorporate any approved revisions to the relevant records, and administer the exemption process. Based on the historical number of members who have transferred to disability inactive status included in attachment 1, there is an average total of 5 people per year transferring from

various statuses (suspended, active, inactive) to disability inactive status. The estimated reduction in license fee revenue is approximately \$1,000-\$2,300 assuming a total of 5 members per year and depending on the member's current status. Exemption of fees for members going from active status at the full fee rate is \$458 per person (members with three or more years of practice) and \$200 for those with regular inactive status. For expenses, the staff time allocated to this work to date and needed if the proposal is approved 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 proposers 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 bylaw is in response to and based on the needs of the people who are seeking to inactive status based on a change in their health condition that prevents them from practicing law. There do not appear to be equity concerns, however, we recommend seeking input from members including the Washington Attorneys with Disabilities Association to inform whether the proposed bylaw will create more fair and equitable outcomes for the members it is intended for. We also recommend that the BOG consider adding clarifying language in the proposed bylaw as a "health condition" is simply a state of being. You might consider language like ".....experiencing a significant health condition that prevents a member from practicing law..."

July 8, 2024

Board of Governors
Washington State Bar Association
Barleaders@wsba.org

Re: Proposed Inactive License Fee Exemption Due to Significant Health Condition

Dear President Abell, President-elect Anjilvel, and Governors:

On behalf of the Disciplinary Advisory Round Table (DART), I am advising the WSBA Board of Governors that we discussed the proposal to improve the process for a member request to transfer to disability inactive status. We believe creating an avenue for such a request when no grievance or disciplinary proceeding has been filed is a solid approach and protects a member's privacy and dignity during what may be a difficult time. Thus, we endorse the adoption of such a proposal and urge the Board of Governors to do the same. DART remains available to providing feedback and advice to WSBA staff as they develop any procedures or protocols for its implementation.

Sincerely,



Justice Mary I. Yu
Chair, Disciplinary Advisory Round Table



VIA Email only
admin@wadaweb.org

July 17, 2024

To Whom It May Concern,

On behalf of Washington Attorneys with Disabilities Association, we are writing to express our strong support for the proposal to create and implement a process allowing attorneys to voluntarily transfer to disability inactive status without undergoing a disciplinary hearing and trial.

Currently, the WSBA system does not account for members who voluntarily choose inactive status due to a disability. Under the existing framework, a third party must notice that a member is exhibiting behavior indicative of physical and/or mental incapacity to practice law. This triggers disability proceedings requiring a hearing or stipulation to transfer the member to disability inactive status, which is publicly listed on the WSBA website. To return to active status, the member must initiate a proceeding under the disciplinary procedural rules to establish that the reason for the disability inactive status has been resolved (ELC 8.8(a)). This process can be onerous and potentially stigmatizing for members facing significant health challenges.

We believe the proposal to simplify this process is a much-needed reform. Allowing members who are experiencing a significant health condition to transfer to regular inactive status, with the option to request an exemption from the inactive license fee on an annual basis, provides a more compassionate and practical approach. Members would qualify for this exemption by certifying that their significant health condition is the reason for transferring to inactive status or is preventing their return to active status.

The proposed process, which allows members to submit a request via an online form without disclosing their specific disability, condition, or medical records, respects the privacy and dignity of our members. The provision for the WSBA to request reasonable documented proof ensures that the system remains fair and credible.

In conclusion, Washington Attorneys with Disabilities Association wholeheartedly supports this proposal as it aligns with our commitment to promoting a fair and compassionate legal profession. We believe this change will provide necessary support to our members who face significant health challenges, enabling them to manage their professional status with dignity and respect.

Thank you for considering our perspective on this important matter.

Sincerely,

Jonathan Ko
President
Washington Attorneys with Disabilities Association

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: August 13, 2024
RE: Proposed Amendments to WSBA Bylaws re MCLE Status Change Requirements

ACTION: This is the second read and request for approval of the proposed amendments to the WSBA Bylaws relating to the MCLE requirements for return to active status.

Approval of the attached proposed amendments to the WSBA Bylaws would align the competency requirements for return to active status with admission to the bar, ensuring it is not more difficult for a member to return to active status than it is for someone to be admitted to the Bar for the first time. The amendments would also simplify and make consistent the MCLE requirements for members who are returning to active status. In addition, the proposed amendments more clearly define the process for readmission for those who voluntarily resigned within the last four years.

At its July 19, 2024 meeting, the Board of Governors reviewed these proposed amendments to the WSBA Bylaws for first read. The cover memo from the July meeting is attached as reference.

Attachments

1. Proposed Amendments to WSBA Bylaws Article III Sections D, K, and N - Markup
2. Proposed Amendments to WSBA Bylaws Article III Sections D, K, and N - Clean
3. BOG Cover Memo Dated June 14, 2024

WSBA BYLAWS

ARTICLE III. MEMBERSHIP

...

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
 - a. **Transfer from Inactive to Active.**
 - 1) An Inactive member or Honorary member may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
 - (b) paying any MCLE late fees owed;
 - (c) demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application or completing MCLE requirements as outlined in subsection (d) below. Regardless of demonstrating active legal experience, if the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
 - (d) completing MCLE requirements as outlined below when a member cannot demonstrate active legal experience as described in subsection (c) above. A member may use MCLE comity to meet the MCLE requirements of this section as provided for in APR 11(c)(6).
 - i. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted and the member was not required to report during that time period, or if the member is changing status during their first MCLE reporting period, then the member has no additional MCLE requirements.
 - ii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
 - iii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for more than one year or up to six consecutive years as of the date the application was submitted, then the member must earning and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except that ~~within the six years preceding the return to Active status, and~~

~~reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed the credits required in this section must be earned no earlier than six years prior to the date the application is submitted. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;~~

- (e) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
 - (f) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
- 2) If a member ~~was has been~~ Inactive or any combination of ~~Suspended and Inactive, Pro Bono, or Suspended~~ in Washington for more than six consecutive years as of the date the application was submitted, the member must ~~earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three years preceding the return to Active status.~~ In addition to complying with subsection 1)(c) or (d) above, the member must complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:
- (a) For lawyer members, a minimum of 15 ~~live~~ MCLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
 - (b) For LLLT members, a minimum of seven ~~live~~ MCLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
 - (c) For LPO members, a minimum of seven ~~live~~ MCLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

~~The MCLE credits earned for the course will apply to the total credits required in subsection 1)(d) above. The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such the course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof of completion submitted to the Bar.~~

~~Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.~~

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years as of the date the application is submitted, must, in addition to ~~is required to complete~~ the requirements in Art. III. Sec.D.1.a.(1)(a), ~~(b), (c) and (d),~~ (e) and (f) above, ~~and is also required to take and pass the examinations required for admission to the Bar for the member's license type.~~
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.
- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLLTC.

b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue ~~his or her~~ an affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status, paying any MCLE late fees owed, and paying the then current Active license fee for the member's license type, including

any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year.

- ~~(a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and~~
- ~~(b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.~~

- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type for any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a1) above.

c. Transfer from Pro Bono to Active

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

[...]

K. CHANGING STATUS AFTER SUSPENSION

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.

2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. ~~If a member was suspended from practice for more than one reason, all~~ All requirements associated with each ~~type of~~ reason for suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
 - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
 - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3; ~~and~~
 - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change-;
 - d. paying any MCLE late fees owed; and
 - e. demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, complying with the MCLE requirements for members returning from Inactive to Active as set forth in Art. III Sec. D.1.a.(1)(d) and D.1.a.2). ~~In addition to the above requirements:~~
 - 1) ~~Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for less than six consecutive years must establish that within the six years prior to the return to active status, the member has earned and reported approved MCLE in a manner consistent with the requirements for one reporting period for an Active member with the same license type. However, if the member has been Suspended and/or Inactive for one year or less and the member was required to report MCLE compliance during the time the member was Suspended and/or Inactive, the member must establish that the member is compliant with the MCLE credits the member would have been required to report that period.~~
 - 2) ~~Any member seeking to change to Active who was Suspended, or any combination of Suspended and Inactive, for six or more consecutive years must establish that within the three years prior to the return to Active status, the member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member with the same license type. In addition, the member must~~

~~have completed the applicable readmission/reinstatement course as set forth in Art. III, Sec.D.1.a)(2).~~

~~Any member completing such course will be entitled to credit towards mandatory continuing legal education requirement for all CLE credits for which such reinstatement/readmission course is accredited. It is the member's responsibility to pay the cost of attending the course. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.~~

5. Any member seeking to change to Active who was Suspended or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years at the time the application is submitted, must, in addition to the requirements of Art. III, Sec. K.4.(a)-(d), above, take and pass the examinations required for admission to the Bar for the member's license type.

[...]

N. READMISSION AFTER VOLUNTARY RESIGNATION

Any former lawyer or LPO member who has voluntarily resigned and who seeks readmission to membership must apply for admission under APR 3 unless the member has been voluntarily resigned for less than four years at the time the application is submitted, in which case the member may choose to apply as follows. do so in one of two ways: by filing an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons the member resigned and the reasons the member is seeking readmission, or by seeking admission by motion pursuant to APR 3(c) (if the former member is licensed as a lawyer in another U.S. jurisdiction and would otherwise qualify for admission under that rule).

1. A former member choosing to file filing an application for readmission less than four years after voluntary resignation in lieu of filing an application for admission under APR 3 must:
 - a. submit an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons for voluntarily resigning and the reasons for seeking readmission;
 - b. pay the an application fee equal to that of a general bar exam applicant, together with such amount as the BOG may establish to defray the cost of processing the application and the cost of investigation; and
 - c. establish that such person is morally, ethically, and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission;

- d. demonstrate active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 within the six years preceding the return to Active status, and reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. except the credits required in this section must have been earned no earlier than six years prior to the date the application was submitted; In addition to the above requirements, if an application for readmission is granted and:
 - e. pay any MCLE late fees owed;
 - f. complete the reinstatement/readmission course as required in Art. III Sec. D.1.a.(2); and
 - 1) ~~it has been less than four consecutive years since the voluntary resignation, the applicant must establish:~~
 - (a) ~~that within the three years prior to readmission the former member has earned and reported approved MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, without including the credits that might otherwise be available from the reinstatement/readmission course; and~~
 - (b) ~~attend and complete the applicable Bar sponsored reinstatement/readmission course as set forth in Art. III. Sec. D.1.a.)(2).~~
 - 2) ~~it has been four or more consecutive years since the voluntary resignation, the applicant must take and pass the applicable examination required for admission.~~
 - g. upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that a lawyer who has been resigned for less than four years need not take and pass the Washington Law Component;.
 - 1) ~~A lawyer who has been resigned for less than four years need not take and pass the Washington Law Component; and~~
 - 2) ~~A LLLT applicant who has been resigned less than four consecutive years need not demonstrate completion of substantive law-related work experience.~~
2. ~~A voluntarily resigned former member seeking readmission through admission by motion pursuant to APR 3(c) must comply with all requirements for filing such application and for admission upon approval of such application.~~

WSBA BYLAWS

ARTICLE III. MEMBERSHIP

...

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
 - a. **Transfer from Inactive to Active.**
 - 1) An Inactive member or Honorary member may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
 - (b) paying any MCLE late fees owed;
 - (c) demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application or completing MCLE requirements as outlined in subsection (d) below. Regardless of demonstrating active legal experience, if the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
 - (d) completing MCLE requirements as outlined below when a member cannot demonstrate active legal experience as described in subsection (c) above. A member may use MCLE comity to meet the MCLE requirements of this section as provided for in APR 11(c)(6).
 - i. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted and the member was not required to report during that time period, or if the member is changing status during their first MCLE reporting period, then the member has no additional MCLE requirements.
 - ii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
 - iii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for more than one year or up to six consecutive years as of the date the application was submitted, then the member must earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except that

the credits required in this section must be earned no earlier than six years prior to the date the application is submitted.

- (e) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
 - (f) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
- 2) If a member has been Inactive or any combination of Inactive, Pro Bono, or Suspended in Washington for more than six consecutive years as of the date the application was submitted, the member must, in addition to complying with subsection 1)(c) or (d) above, complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:
- (a) For lawyer members, a minimum of 15 MCLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
 - (b) For LLLT members, a minimum of seven MCLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
 - (c) For LPO members, a minimum of seven MCLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The MCLE credits earned for the course will apply to the total credits required in subsection 1)(d) above. The member must comply with all registration, payment, attendance, and other requirements for the course, and will be responsible for submitting proof of completion to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years as of the date the application is submitted, must, in addition to the requirements in Art. III. Sec.D.1.a.(1)(a), (b), (e) and (f) above, take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTTC.

b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue an affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status, paying any MCLE late fees owed, and paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type for any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (1) above.

c. Transfer from Pro Bono to Active

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

[...]

K. CHANGING STATUS AFTER SUSPENSION

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. All requirements associated with each reason for suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
 - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
 - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3;
 - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change;
 - d. paying any MCLE late fees owed; and
 - e. demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, complying with the MCLE requirements for members returning from Inactive to Active as set forth in Art. III Sec. D.1.a.(1)(d) and D.1.a.2).
5. Any member seeking to change to Active who was Suspended or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years at the time the application is submitted, must, in addition to the requirements of Art. III, Sec. K.4.(a)-(d), above, take and pass the examinations required for admission to the Bar for the member's license type.

[...]

N. READMISSION AFTER VOLUNTARY RESIGNATION

Any former lawyer or LPO member who has voluntarily resigned and who seeks readmission to membership must apply for admission under APR 3 unless the member has been voluntarily resigned for less than four years at the time the application is submitted, in which case the member may choose to apply as follows.

1. A former member choosing to file an application for readmission less than four years after voluntary resignation in lieu of filing an application for admission under APR 3 must:
 - a. submit an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons for voluntarily resigning and the reasons for seeking readmission;
 - b. pay an application fee equal to that of a general bar exam applicant;
 - c. establish that such person is morally, ethically, and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission;
 - d. demonstrate active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except the credits required in this section must have been earned no earlier than six years prior to the date the application was submitted;
 - e. pay any MCLE late fees owed;
 - f. complete the reinstatement/readmission course as required in Art. III Sec. D.1.a.(2); and
 - g. upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that a lawyer who has been resigned for less than four years need not take and pass the Washington Law Component.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Renata Garcia, Chief Regulatory Counsel
Bobby Henry, Associate Director for Regulatory Services
DATE: June 14, 2024
RE: Proposed Amendments to WSBA Bylaws for Return to Active Status MCLE Requirements

FIRST READ: WSBA staff seek Governor and member feedback on proposed amendments to the WSBA Bylaws relating to the MCLE requirements for return to active status.

WSBA staff is seeking input from the Board of Governors and WSBA members on proposed amendments to the WSBA Bylaws relating to the MCLE requirements for WSBA members returning to active status and to the readmission process when it has been less than four years since the member voluntarily resigned. The proposed amendments to the WSBA Bylaws attempt to align the competency requirements for return to active status with admission to the bar, ensuring it is not more difficult for a member to return to active status than it is for someone to be admitted to the Bar for the first time. The amendments would also simplify and make consistent the MCLE requirements for members who are returning to active status. In addition, the proposed amendments more clearly define the process for readmission for those who voluntarily resigned within the last four years.

Background

WSBA members often change license status for various reasons. WSBA members can choose inactive, judicial, or pro bono status; and members can be suspended for administrative or disciplinary reasons. Members wishing to return to active status must meet the requirements established in the WSBA Bylaws to demonstrate continued minimum competence to practice law.

The methods used for determining minimum competence have evolved over the last 20 years. Twenty years ago, if a lawyer member was inactive or suspended for more than three years, taking and passing the bar exam was the only way to demonstrate minimum competence in order to return to active status. Several years later the requirement was to take and pass the bar exam if the member was inactive or suspended for more than five of the prior ten years, including non-consecutive time periods within the ten-year period. Several years later still, brings us to the current requirements for demonstrating minimum competence which are, in a very simplified manner, complete 45 MCLE credits for a lawyer member and, in addition, if the member was inactive or suspended for more than six years, attend a two-day real-time reinstatement course. The reinstatement course was designed as a substitute for the bar exam which is why it is currently offered only twice a year, like the bar exam. Finally, if a member is inactive or suspended for more than ten consecutive years without any active legal experience, i.e., law practice, law professor, or judge, then the member must take and pass the bar exam.

The specific MCLE requirements today vary for each member returning to active status depending on the member's current status and the length of time not on active status. This makes for a confusing and burdensome

process for both the members and staff. For example, a lawyer member who is inactive *less than* six years needs to complete 45 MCLE credits of any type or subject within the prior *six* years. However, if the lawyer member has been inactive for *more than* six years then the MCLE requirement is to complete 45 credits within the prior *three* years and the credits earned must meet the credit type or subject requirements consistent with a normal MCLE reporting period. In addition, the member must attend a real-time reinstatement course offered only twice a year and the credits do not count toward the 45 credits otherwise required.

An issue of equity and fairness also arises with the Board of Governors' recent approval of suggested amendments to the Admission and Practice Rules resulting from the recommendations of the Washington Bar Licensure Task Force approved by the Washington Supreme Court. If adopted by the Washington Supreme Court, the amendments will reduce the active legal experience requirement for admission by motion applicants to one year of active legal experience in the three years preceding the filing of the application (as opposed to 3 of 5 years). The unintended consequence of these amendments is that there will be more barriers for an inactive, judicial, or pro bono member to overcome to return to active status than there will be for a lawyer from another U.S. jurisdiction to be newly admitted into the Washington Bar when it comes to demonstrating minimum competence.

For example, take a situation where a WSBA member changes to inactive status and moves to California to practice law for seven years at which time the member wants to return to active status in Washington. The requirements for the WSBA member to return to active status would be to report 45 MCLE credits earned within the last three years and attend an in-person two-day real-time reinstatement course. The member may need to wait up to six months for the next available course as it is offered only twice per year. Compare this member's situation to a situation where a California lawyer has been practicing law for seven years and decides to apply for admission in Washington. With the expected adoption of the admission by motion amendments, the California lawyer will be admitted based on the seven years of active legal experience (when only one is required) with the only other significant requirement being to take and pass the online, open-book Washington Law Component test.

Proposed Bylaws Amendments

In light of the suggested amendments to admission by motion and also because the requirements for returning to active status had not been reviewed for over a decade, WSBA staff undertook a review of the requirements for returning to active status with the primary goals of (1) ensuring it is not more difficult for a member to return to active status than it is for someone who is seeking admission to the Bar for the first time, (2) simplifying and streamlining the requirements where possible, and (3) maintaining appropriate standards to demonstrate minimum competence to protect the public.

In order to accomplish these goals, the proposed amendments bring an "active legal experience" factor into the minimum competence determination. Active legal experience is defined in APR 1(e)¹ and essentially means practicing law in another U.S. or English common law jurisdiction. Under this proposal, if a member can demonstrate active legal experience for at least one of the three years preceding the application (the same standard in the suggested amendments for admission by motion) then the member will be deemed to have demonstrated minimum competence and there will be no additional MCLE requirements. Significantly, this means

¹ Active legal experience as a lawyer is defined in APR 1(e) as "experience in the active practice of law as a lawyer, including practice as a Pro Bono Status Lawyer licensed under APR 3(g), or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;"

that judicial members will have no MCLE requirements to return to active status as their role as a judicial officer qualifies as active legal experience.

When a member cannot demonstrate active legal experience, then there will be MCLE requirements to demonstrate minimum competence. The proposal is to require a full standard reporting period's worth of credits² earned within the prior six years regardless of how long the member has been inactive or suspended and regardless of which status the member has prior to returning to active status. If the member is inactive or suspended for more than six years, then the reinstatement course will be required but it will be offered as a recorded program so as not to delay the member's return to active status. The MCLE credits for the reinstatement course will count toward the total credits required rather than as additional required MCLE credits as is currently the case.

In cases where a member is inactive or suspended for ten consecutive years without active legal experience, the exam will continue to be the method for demonstrating minimum competence. We expect to be able to propose other options in lieu of the bar exam as alternative pathways to admission are developed and implemented.

Finally, the proposed amendments clarify that readmission after voluntary resignation must be by applying for admission under APR 3 unless it has been less than four years since the resignation, in which case the former member may choose to return to active under the WSBA Bylaws. Like other status changes, the amendments to the Bylaws for readmission after resignation incorporate the active legal experience as a means to demonstrate minimum competence; otherwise, equivalent MCLE requirements are imposed.

WSBA regulatory staff look forward to the input from the Board of Governors and members on this issue.

Information for Fiscal Analysis

Provide information to help inform the Fiscal Analysis.

- *The amendments affect procedural requirements for members returning to active status so no additional or loss of revenue expected in any of the RSD cost centers. The only fiscal impact anticipated is indirect staff resources needed to update procedures, websites, documents, etc.*
- *The amendments would reduce the number of people required to attend the reinstatement course which would reduce revenue to the CLE cost center.*

Information for Equity Analysis

Provide information to help inform the Equity Analysis:

- *The primary purpose of the amendments is to ensure that it is not more difficult for a member to return to active status than it is for someone who is seeking original admission to the Bar.*
- *The standards applied for members returning to active and for new members will be equivalent.*
- *The MCLE requirements for returning to active will be easier to understand for members and staff.*
- *The MCLE requirements will be consistent for all members returning to active status.*
- *The recorded reinstatement course option will reduce the amount of time to return to active so members will not face loss of income or opportunity while waiting for course availability.*

² Members must earn a total of 45 MCLE credits as lawyers or 30 credits as LPOs and LLLTs, of which 15 must be law and legal procedure and 6 must be ethics.

Attachments

- Proposed Amendments to WSBA Bylaws Article III Sections D, K, and N - Markup
- Proposed Amendments to WSBA Bylaws Article III Sections D, K, and N - Clean

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

Provided separately, 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 require WSBA staff time used to incorporate any approved revisions 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. Additionally, the current reinstatement course required for members seeking to return to active status is administered by the WSBA CLE department, which offers the program both for reinstatement and the general membership in both a live format twice per year as well as in a recorded product format. WSBA CLE program fee is the same fee (\$399) regardless of live attendance or recorded product. Over the past five years, the average annual number of registrants for the program is 88, with a split of 38 to 59 of reinstatement versus general membership education. The proposal includes eliminating the live attendance requirement for reinstatement and instead allowing education through recorded product. It is likely that WSBA CLE would continue to hold at least one of the two live seminars in order to produce a recorded product so overall program cost would remain unchanged. The total revenue amount for the CLE fund would not likely change, instead revenue would shift between the CLE Seminars and Products cost centers (seminars would decrease and products would increase, with a net zero impact) due to members choosing the recorded product option over live attendance.

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. The goal of creating a system that is clearer and consistent, that is the same for similarly situated groups, and reduce the time it takes to move from inactive to active appears to be a welcomed change and ultimately provide fairer outcomes. As you seek input from Bar leaders and members, we suggest

identifying what members may be most impacted by these changes – indirectly or directly – and seek input from those groups to consider and incorporate into any revised drafts.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Jason Schwarz, Chair, and Maia Vanyo, Vice-Chair, Council on Public Defense
DATE: July 31, 2024
RE: Council on Public Defense Charter Revisions

ACTION: Approve the Proposed Revisions to the Council on Public Defense Charter.

Background

The Council on Public Defense (CPD) has been discussing ways to enhance recruitment, outreach, and leadership within the Council. The attached charter revisions address key issues to strengthen the Council's effectiveness and inclusivity.

The CPD periodically requests revisions to the Charter from the Board of Governors when clarification, revision, or elaboration is needed for the Council's work. We appreciate the Board's willingness to approve these revisions, enabling the CPD to adapt to changing circumstances and effectively maintain and improve constitutionally effective public defense services in Washington State.

Key Revisions

1. Council Recruitment and Outreach

- **Challenges:** The Council has faced difficulties maintaining a diverse and consistent pipeline of new members. Issues include unclear recruitment responsibilities and insufficient community engagement.
- **Solution:** A new standing Recruitment and Outreach Committee will focus on:
 - Cultivating prospective Council members and officers.
 - Providing information on Council service.
 - Building partnerships with public defense entities.
 - Developing strategies for community engagement, including both attorney and non-attorney groups.

2. Commitment to Diversity, Equity, and Inclusion (DEI)

- **Goal:** Institutionalize DEI within Council membership to ensure representation from marginalized communities and diverse geographic regions.
- **Implementation:** The revised charter mandates that nominations represent a diverse, inclusive, and equitable body, including voices from groups most impacted by oppression in the legal field (i.e, people of color, LGBTQ2S+ individuals, people with disabilities) and both urban and rural public defenders.

3. Leadership Pipeline

- **Challenge:** Access to leadership within the Council has been hindered by the excessively long commitment currently required and a lack of transparency and opportunities for input in selecting the Chair.
- **Solution:** Create a sustainable and transparent pathway to leadership roles.
 - The leadership commitment revision includes one year as chair-elect, one year as chair, and one year as immediate past chair, reducing the commitment from four to three years.
 - Increased transparency in chair appointments, with nominations now subject to full Council oversight and voting.

4. Additional Revisions

- Clarified and reorganized sections to enhance understanding without changing substantive content.

Additional revisions regarding the Council membership and structure were discussed to improve diversity, equity, and inclusion. However, additional outreach is needed to ensure impacted voices are included and the Council did not want to rush the revisions. The newly formed Recruitment and Outreach Committee will be tasked with taking a deeper look at potential changes for a later time.

Community Input

These revisions are informed by input from current and past Council members, aiming to improve recruitment, outreach, and leadership access. They represent initial steps towards a more inclusive and engaged Council. These revisions are a first start in improving our recruitment, community outreach, and leadership pipeline. With more capacity and intentional effort, we hope to build upon these changes.

Fiscal Analysis

- **Fiscal Impact:** No fiscal impact.

Equity Analysis

- **Impacted Groups:**
 - **General WSBA Membership:** These revisions aim to provide membership and leadership from diverse backgrounds with better pathways to participate in the Council and its discussions.
 - **WSBA Staff:** Not applicable.
 - **Subgroup of WSBA Membership:** Our commitment to improving diversity is expected to enhance participation and incorporate more voices in the Council's decision-making process, particularly those from underrepresented groups. The membership with an interest in public defense, equity, and justice will ideally find more ways to get involved.
 - **Members of the Public in Need of Legal Services:** Since public defense primarily affects low-income and oppressed groups, the CPD is committed to ensuring these voices are adequately represented.
- **Process:** Initial feedback has come from individuals on or close to the Council who critically consider these issues. The newly formed Recruitment and Outreach Committee will conduct a deeper analysis and gather broader input.
- **Outcome:** The intended outcomes are to enhance diversity, equity, and inclusion within the Council, expand leadership opportunities, and engage more intentionally with the broader community.
- **Evaluation:** Over the next few years, we will assess the effectiveness of these efforts through changes in the Council's composition and our increased ability to build relationships with others.

- **Future Learnings:** We will focus on gaining more support for recruitment best practices and training to create equitable and inclusive spaces, along with making community connections without duplicating efforts.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

To be provided separately 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 to WSBA resulting from the proposed changes to the bylaws includes the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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. The proposal includes the establishment of a new Recruitment and Outreach Committee, which is expected to hold meetings remotely which does not require additional expense. However, if that were to change, there could be additional costs for in-person attendance such as mileage, meals, etc. Additionally, while there may not be costs in the initial “start-up” phase of establishing the Committee, we anticipate that there may be expenses in the future to support the work of the Committee, such as honorariums for community feedback gathering and other possible in-person events.

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. Based on our review, CPD has applied an equity lens to their operations and the process in drafting, seeking feedback and planning for evaluation. It appears that their proposed revisions are designed to foster diversity, equity and inclusion within the Council.

Attachments

Council on Public Defense Charter Revisions with mark ups

CHARTER

Council on Public Defense

Adopted: January 22, 2009. Amended June 12, 2015; June 26, 2020; January 13, 2023.

Purpose and Mission

A WSBA Committee on Public Defense was established in 2004 to implement recommendations of the WSBA's Blue Ribbon Panel on Criminal Defense. Original membership was appointed by the WSBA President and confirmed by the Board of Governors. The Committee on Public Defense's recommendations were acted upon by the Board of Governors during fiscal year ~~FY~~ 2007. One of these recommendations was that the Committee on Public Defense be extended through December 2008 to study, focus, and follow-up on unfinished public criminal defense, dependency, and civil commitment issues.

While the extended Committee on Public Defense made significant progress on the issues identified in its charter, it became apparent that maintaining and improving constitutionally effective public defense services in Washington required an ongoing committee with a mandate broad enough to address both new and recurring public defense issues. Having found that the Committee on Public Defense provided a unique and valuable forum for bringing together representatives of the bar, private and public criminal defense attorneys, current and former prosecutors, attorneys, the bench, elected officials, and the public, in 2009 the WSBA Board of Governors established the Council on Public Defense as an advisory council of the WSBA.

The Council on Public Defense is charged with the following tasks:

1. Recommend amendments to public defense standards and performance guidelines and mechanisms to assure compliance with those standards ~~public defense standards and performance guidelines~~ to the BOG and the Washington Supreme Court.
2. Promulgate "Right to Counsel" educational materials and programs for the public, including for clients and community members, the bench, public defense administrators, elected officials, and the bar concerning the constitutional right to counsel.
3. Develop "Best Practices" guidelines for public defense services contracts.
4. Address current issues relating to the provision of constitutional public defense services in Washington, including supporting efforts to ensure adequate funding is available.
5. Seek, review, and recommend possible improvements ~~in~~ to the criminal justice system which might impact public defense or the ability to provide public defense services.
6. Improve delivery of defense services in Washington by examining and reporting on public defense systems and projects.
7. Develop recommendations concerning the most effective and appropriate statewide structure for the delivery and accountability for defense services.
8. Evaluate and make recommendations for all practice areas for which counsel may be appointed.

9. Develop performance guidelines for attorneys providing public defense services in criminal, juvenile offender, dependency, civil commitment, Becca petitions, and other cases to which counsel may be appointed.

Membership:

The Council on Public Defense ~~is comprised~~ consists of 23 voting members and up to seven emeritus members. Nominations are made by the entities listed below, with all appointments confirmed by the WSBA's Board of Governors. These members do not serve as official representatives of these entities, but rather are appointed based on their knowledge, expertise, and a commitment to providing constitutional public defense services in Washington.

~~The Chair and Vice-Chair shall be appointed by the WSBA President-elect. Each shall serve a two-year term, with the Vice-Chair becoming Chair at the end of the second year and a new Vice-Chair appointed. Except as noted, the members of the Council shall be appointed for two-year terms and be eligible for reappointment for two additional two-year terms, totaling six years of service. The Chair may nominate up to seven former Council members whose eligibility for voting membership has expired, to serve as non-voting emeritus members for two-year terms.⁴~~

~~The Immediate Past Chair performs such duties as may be assigned by the Chair or the Council. The Immediate Past Chair will perform the duties of the Chair in the absence, inability, recusal, or refusal of the Chair and Vice-Chair. The Immediate Past Chair is not a voting member of the Council except when acting in the Chair's place at a meeting of the Council and then only if the vote will affect the result.~~

The voting membership is as follows:

Core Members (no term limits)

- The Director of the State Office of Public Defense (1)
- The Director of the Washington Defender Association (1)
- One Washington Supreme Court Justice (1)

Nominated by Outside Parties

- One Superior Court judge, recommended by the Superior Court Judges Association (1)
- One District or Municipal Court judge, recommended by the District and Municipal Court Judges Association (1)
- Three public defenders, recommended by the Washington Defender Association (1)
- One representative from each of the three Washington law schools, recommended by the Dean of the school (3)
- One representative from civil legal services, recommended by the Access to Justice Board (1)

⁴ ~~Non-voting emeritus members are not eligible for WSBA expense reimbursements.~~

Considered Through WSBA Application Process

- Three current or former prosecutors/city attorneys, recommended by the Council Chair, ~~Vice-Chair-Elect~~, and Board of Governors Liaisons (3)
- Six at-large members, recommended by the Council Chair, Chair-Elect, and Board of Governors Liaisons. At least one four of the at-large members must whom has a contract for or provides public defense services and may include non-lawyers involved in the provision of public defense services. and In addition, at least one of whom at-large member must be is a public member non-lawyer impacted by or working in the public defense profession, recommended by the Council chair, Vice-Chair and Board of Governors Liaisons. (6)
- Two representatives from local government or public defense administrators, recommended by the Council Chair, ~~Vice-Chair-Elect~~, and Board of Governors Liaisons (2)

Core members as defined above serve without term limits. All other the members of the Council are appointed for two-year terms and are eligible for reappointment for two additional two-year terms, totaling six years of service. The Chair may nominate up to seven former Council members whose eligibility for voting membership has expired, to serve as non-voting emeritus members for two-year terms.¹

The Council must be a diverse, inclusive, and equitable body. This is especially so given that the people served by public defenders are disproportionately members of marginalized communities. When nominating individuals to serve on the Council, the Council should ensure voices from marginalized communities (e.g., people of color, people from the LGBTQ2S+ community, people with disabilities) are represented on the Council. The Council should also ensure that members represent regions throughout Washington to ensure geographically diverse perspectives are considered in Council decisions. With respect to public defender members, the Council should include public defense lawyers from both urban and rural settings, from the regions both to the east and west of the Cascade Mountain range, and from different public defense practice areas.

Council Officers

The officers of the Council on Public Defense consist of a Chair, Chair-Elect, and Immediate Past Chair.

The Chair serves as the spokesperson for the Council and has the authority to call for special meetings of the Council. The Chair's duties include presiding over Council meetings, making appointments to Council committees, and working to ensure the Council's initiatives are progressing.

The Chair-Elect succeeds to the position of Chair upon the end of the predecessor Chair's term or a vacancy in that position. The Chair-Elect's duties include supporting the Chair and serving as Chair when the Chair is unable to fulfill their obligations.

The Immediate Past Chair performs such duties as may be assigned by the Chair or the Council. The Immediate Past Chair will perform the duties of the Chair in the absence, inability, recusal, or refusal of the Chair and Chair-Elect. The Immediate Past Chair is not a voting member of the Council except when acting in the Chair's place at a meeting of the Council and then only if the vote will affect the result.

¹ Non-voting emeritus members are not eligible for WSBA expense reimbursements.

Term: Council officers serve a term totaling three years—one year as Chair-Elect, one year as Chair, and one year as Immediate Past Chair. Upon conclusion of the Chair’s term, the Chair-Elect assumes the role of Chair and the outgoing Chair assumes the role of Immediate Past Chair. Each position takes office on October 1 of each year.

Selection: By no later than May 1 of each year, the voting members of the Council shall nominate a Chair-Elect by secret ballot. The Council shall nominate the candidate for Chair-Elect receiving a majority of member votes for appointment by the WSBA President-Elect as Council Chair-Elect.

In the event the WSBA President-Elect does not appoint the Council nominee and does not appoint an alternate Chair-Elect, the Council will hold a new election to select a nominee for Chair-Elect.

Vacancies in the office of Chair and Chair-Elect will be filled by following the above nomination and election procedure. Vacancies in the office of Immediate Past Chair, including due to the expiration of the Chair’s six-year term of service on the Council prior to becoming Immediate Past Chair, will not be filled. However, all prior Council Chairs will be informed of the vacancy and invited to assist and advise the Chair and Chair-Elect in an *ex officio* role.

Standing Committees

A Recruitment and Outreach Committee is established as a Council standing committee. The Recruitment and Outreach Committee will consist of the Chair, Chair-Elect, Immediate Past Chair, and two additional Council members appointed to the committee by the Council Chair. The Recruitment and Outreach Committee’s responsibilities include cultivating prospective Council members, Council officers, and Council committee members; providing information about Council service to prospective members; cultivating partnerships with other public defense entities; and creating strategies for building community support and involvement.

The Council may create and dissolve additional committees as appropriate.

Voting Procedures

All Council members, other than emeritus members, are eligible to vote. Judicial members may choose to recuse themselves from voting relating to any matters.

A majority of Council voting members constitutes a quorum. The Council may conduct business in the Council’s name and make binding decisions at meetings where a quorum is present.

Action by the Council shall be by a majority of Council members in attendance at the time the vote takes place, unless otherwise specified in the WSBA Bylaws, polices adopted by the WSBA BOG, or other requirements binding on the Council. Voting by proxy or email is not permitted.

If judicial members choose to recuse themselves from votes relating to court rules or legislation, on those occasions, and only on those occasions, the membership of the Council, for purposes of determining whether a supermajority have voted in favor or against a proposition, shall be reduced by the number of judges who have recused themselves. This provision does not apply if a judicial member is merely absent.

Attendance Requirements

Council members who have three consecutive unexcused absences in any 12-month period will be considered to have resigned from the Council. The Council may seek a replacement member through the regular WSBA volunteer process, unless the absent member was nominated by an outside party. In that case the outside party will be asked to appoint a replacement.

Council members may be excused for good cause by the Chair. Such an excuse should be sought prior to the meeting.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Elena Praggastis, Health Law Section Chair
DATE: July 30, 2024
RE: Bylaws Amendment Proposal

ACTION: Approval of Bylaws Amendment Proposal.

The Health Law Section Executive Committee (“EC”) wishes to amend its Bylaws (“Bylaws”) to (1) change the current term lengths for certain officer positions; (2) update and further define the processes by which it elects members to serve on the EC; and (3) generally update the Bylaws for readability, grammar, and relevance.

Background

Currently, the Chair, 1st Vice Chair, and 2nd Vice Chair on the EC are elected for one-year terms. Given the timing of the Association’s election cycle, these positions begin in October, and then come March/April, the individuals holding them must decide whether to run again or not. This timing makes it challenging for the Chair and Vice Chairs to plan and achieve goals that span more than just six months, as they must anticipate a reorganization of the EC. With the short timescale of a one-year term, and efforts to respect the incoming EC’s future decision making, it is challenging to plan and implement long-term goals, and foster sustained commitment from the EC during the post-election period, due to the impending changeover. For this reason, the EC proposes amending the term length for the positions of Chair, 1st Vice Chair, and 2nd Vice Chair.

Regarding the need to update the EC’s election processes, the EC experienced a shuffle of positions during the 2023-2024 term when certain elected individuals chose not to serve. Due to vaguely written and outdated procedures in the Bylaws, it was logistically challenging to fill the vacated roles. As a general matter, the EC also wishes to more clearly outline the election process, to improve the EC’s consistency and transparency when it comes to its elections. For these reasons, the EC proposes amending the process by which elections occur and vacancies are filled.

The EC does not wish to engage in another amendment process in the near future, so it is proposing other general revisions related to readability, grammar, and relevance.

Community Input

The individuals who will be most affected by this amendment are Health Law Section (“Section”) members currently serving on the EC and those who may choose to run for election in the future. As such, the current EC was consulted at length on the proposed changes. The EC provided a great deal of feedback that was then incorporated. The amendments as written also incorporates feedback received from WSBA directly with respect to consistency with the WSBA Bylaws, readability, relevance, etc. The EC met at a specially called meeting on August

14, 2024, and voted to approve the amendments. The EC will distribute the amendment to the Section and all Members to provide ample notice prior to the 2025 election cycle.

Information for Fiscal Analysis

The proposed amendment will generate no revenue and will have no effect on finances of either the Section or the Association.

Information for Equity Analysis

Neither the overall work of the EC and the Section nor the proposed amendment will have a direct impact on any of the following categories: the general WSBA membership; WSBA staff; a subgroup of WSBA membership (e.g. LLLTs, family law practitioners, Minority Bar Association members, legal professionals from specific marginalized and underrepresented communities); members of the public in need of legal services. The EC believes that the proposed amendment will have an overall positive impact given the reduced need for logistical assistance with clearer election processes and longer-term lengths for certain positions, and anticipating the longer runways for more involved projects like half- and full-day CLE events that benefit the Section and support the Association's stated goals.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

Risk analysis is included in 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 to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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 making the changes to the section bylaws will allow section executive members the time they need to lead the section and accomplish their goals. Based on our review, there do not appear to be any concerns about inequitable outcomes.

Attachments

1. Current Section Bylaws
2. Proposed Bylaws Amendment in Redline
3. Proposed Bylaws Amendment w/o Redline (Clean)



**Washington State Bar Association
Health Law Section Executive Committee
Bylaws**

*As last amended and approved by the Washington State Bar Association Board of
Governors on July 27, 2017.*

1. ARTICLE I. INTRODUCTION

1.1. Name

This section shall be known as the Health Law Section (Section).

1.2. Purposes

The purposes of the Section shall be:

- 1.2.1.** To further the knowledge of the members of the Section and the Washington State Bar Association (Association) in the areas of law involving both federal and local health care
- 1.2.2.** To form an available working unit to assist in the activities of the Association and
- 1.2.3.** To otherwise further the interests of the Association and the legal profession as a whole.

1.3. Fiscal Year

The fiscal year of the Section is the same as the Association’s fiscal year.

1.4. Office

The business address of the Section shall be the Association business address.

2. ARTICLE II. MEMBERSHIP; MEETINGS

2.1. Members

2.1.1. Voting Members. Any Active member of the Association, and any Emeritus Pro Bono member pursuant to APR 8(e), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington, may be a voting member of the Section (a Voting Member).

2.1.2. Subscribing Members. Any member of the public may be a non-voting member (Subscribing Member) of the Section. Subscribing Members shall have the same rights and privileges as Voting Members except Subscribing Members have no voting rights and may not serve as an officer or voting member of the executive committee of the Section.

2.1.3. Dues. All Voting Members and Subscribing Members (collectively, Members) must pay dues annually in the amount determined by the Section executive committee and approved by the Association. Any individual who fails to pay the annual dues will cease to be a Member of the Section.

2.2. *Meetings of Members*

2.2.1. Meetings. The Section may hold a meeting of the Voting Members. Subscribing Members and members of the public may attend any meeting of the Voting Members, but are not entitled to vote at such meetings. A meeting of the Voting Members may be called by the Chair or a majority of the members of the executive committee. The meeting shall be conducted and its minutes recorded in a manner that is consistent with the open meeting policy of the Association as it applies to the Section.

2.2.2. Notices. Notice of the time and place of all meetings of the Voting Members shall be given to all Voting Members of the Section and published on the Association's web site prior thereto. The notice shall be given in a manner that is consistent with the open meeting policy of the Association as it applies to the Section, and may be given electronically.

2.2.3. Quorum; Voting. A majority of the Section's voting executive committee members shall constitute a sufficient quorum of Voting Members to transact Section business at a meeting of the Voting Members, and a majority of the Voting Members attending the meeting (with each such Voting Member entitled to one vote) may take action on any proper item presented at such a meeting.

2.2.4. Rules of Order. All business meetings of the Section may be conducted in accordance with the most recent edition of Robert's Rules of Order or such other procedures as selected by the individual presiding over the meeting.

3. ARTICLE III. OFFICERS; DUTIES OF OFFICERS

3.1. *Positions*

The officers of the Section shall be Chair, a 1st Vice Chair, 2nd Vice Chair, Secretary, and Treasurer.

3.2. *Duties of Officers*

3.2.1. Chair. The Chair, as chief executive officer, shall preside at all meetings of the Voting Members and the executive committee, and have such other executive powers and perform such other duties as are not inconsistent with these bylaws or the Bylaws of the Association.

3.2.2. 1st Vice Chair. The 1st Vice Chair shall perform all duties of the Chair during the Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chair. The 1st Vice Chair shall have such other powers and perform such other duties not inconsistent with these bylaws as, from time to time, may be

prescribed by the Chair or the executive committee.

3.2.3. 2nd Vice Chair. The 2nd Vice Chair shall perform all duties of the 1st Vice Chair during the 1st Vice Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the 1st Vice Chair. The 2nd Vice Chair shall have such other powers and perform such other duties not inconsistent with these bylaws as, from time to time, may be prescribed by the Chair or the executive committee.

3.2.4. Secretary. The Secretary shall be responsible for the taking of minutes at each meeting of the Section and the executive committee, and shall provide approved minutes to the Association for publication and record retention.

3.2.5. Treasurer. The Treasurer will work with the Association and Section executive committee to ensure that the Section complies with Association fiscal policies and procedures, work with the Association and Section executive committee to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget.

3.3. *Term*

All officer positions will be for one year and begin October 1 each year.

4. ARTICLE IV. EXECUTIVE COMMITTEE

4.1. *Membership*

There shall be a Section executive committee with voting members consisting of the following: all the officers of the Section, the Immediate Past Chair of the Section, and three At-Large members. The executive committee may appoint or remove additional non-voting members of the executive committee.

4.2. *Term*

All executive committee positions will be for one year and begin October 1 each year.

4.3. *Duties*

The executive committee shall supervise and direct the affairs and determine the policies of the Section, subject to and in accordance with these bylaws and the Bylaws of the Association. The executive committee also has the discretion to submit any items of business to the Voting Members for consideration and approval.

4.4. *Meetings*

The executive committee may act at a meeting duly called. A quorum (a majority of the voting members of the executive committee) shall be required to transact business, and a majority of the quorum (with each voting member of the executive committee entitled to one vote) may take action on any proper item presented at the meeting. Meetings shall be called by the Chair or by a majority of the members of the executive committee, and written or electronic notice of such meetings shall be given to members of the executive committee and posted on the Association web site prior to such meeting. Executive committee members may vote by email in accordance with the Association's Bylaws. All elements of any meeting, including

notice, conducting the meeting, and recording minutes of the meeting, shall be done in a manner that is consistent with the open meeting policy of the Association as it applies to the Section.

4.5. *Removal*

Any officer or member of the executive committee may be removed for any reasons deemed appropriate by a two-thirds majority vote of the section executive committee. Grounds for removal include, but are not limited to, regular absence from section executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct, or whenever, in the executive committee's judgment, the officer or executive committee member is not acting in the best interest of the section membership.

4.6. *Appointments to Fill Vacancies*

If any officer position or position on the executive committee becomes vacant for any reason before the expiration of a term, the voting members of the executive committee shall, by majority vote, appoint a successor. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.

5. ARTICLE V. OTHER COMMITTEES

5.1. *Creation of Committees*

The executive committee shall have the power to create any committee pursuant to the Section as necessary for the purposes of furthering the objectives of the Section. Committees, committee chairs, and committee members serve at the discretion of the executive committee.

6. ARTICLE VI. ELECTIONS

6.1. *Time and Method*

The Section shall hold a regular annual election. Nominations and elections for open officer and executive committee positions will be held between March and May each year. The Association will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process.

For each officer position, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50 of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election, and the candidate receiving the highest number of votes in such run-off election shall be declared elected.

A single vote will be held for the three At-Large executive committee positions, with each Voting Member having the ability to vote for one candidate. The three candidates receiving the most votes shall be declared elected to such At-Large positions.

In the event of a tie, the winner will be determined by a random tie-breaking mechanism selected by the executive committee, such as a coin toss.

6.2. *Nominating Committee*

The nominating committee shall consist of the Immediate Past Chair, the current Chair, the 1st Vice Chair, and at least one Voting Member, chosen by the executive committee, who is not a current member of the executive committee. All applicants will apply through an electronic application process administered by the Association. The nominating committee shall nominate one or more members of the Section for each of the officers and At-Large positions. The individual(s) nominated for Chair by the nominating committee shall have previously held an officer or At-Large position in the Section unless the nominating committee unanimously waives this requirement. The executive committee will also have an alternative nominating process to allow for nominations to occur outside of the nominating committee process. The executive committee will approve a list of nominees for each open position. Individuals nominated through an alternative nomination process will be included on the final list of approved nominees.

6.3. *Qualifications*

All individuals nominated for or holding officer or At-Large positions must be Voting Members. No individual may hold multiple officer or At-Large positions at the same time provided, however, the executive committee may appoint an individual to fulfill the responsibilities of one or more officer positions if an officer is unavailable or in the event of a vacancy.

7. ARTICLE VII. AMENDMENTS TO BYLAWS

7.1. *Amendment*

These bylaws may be amended by approval of such amendment at either a meeting of the Voting Members or a meeting of the executive committee. Amendments will become effective when approved by the Association's Board of Governors.

7.2. *Notice*

The notice calling the meeting at which the bylaws amendment is to be voted upon shall include the proposed bylaw amendment as an agenda item.

3.1. — Positions

3.1 The Membership

There shall be a Section Executive Committee (“Executive Committee”) with voting members consisting of the following: the officers of the Section shall be described in Article 4 to these Bylaws, the immediate past chair of the Section (“Immediate Past Chair”), and three additional members (“At-Large Members”). The Executive Committee may appoint or remove additional non-voting members of the Executive Committee at its discretion.

3.2 Term

All Executive Committee positions, including those of the At-Large Members and the officers described in Article 4 of these Bylaws, will be for the following term lengths: Chair, 1st Vice Chair, and 2nd Vice Chair—two (2) years beginning on October 1 of each odd year; Secretary, and Treasurer, and At-Large Members—one (1) year beginning on October 1 of each year.

3.3 Duties

The Executive Committee shall supervise and direct the affairs and determine the policies of the Section, subject to and in accordance with these Bylaws and the Bylaws of the Bar. The Executive Committee shall have discretion to submit any items of business to the Voting Members for consideration and approval.

3.4 Meetings

The Executive Committee may act at a meeting duly called. A quorum (a majority of the voting members of the Executive Committee) shall be required to transact business, and a majority of the quorum (with each voting member of the Executive Committee entitled to one vote) may take action on items presented at the meeting. Meetings shall be called by the Chair or by a majority of the members of the Executive Committee, and written or electronic notice of such meetings shall be given to members of the Executive Committee and posted on the Bar website prior to such meeting. Executive Committee members may vote by email in accordance with the Bar’s Bylaws. All elements of any meeting, including notice, conducting the meeting, and recording minutes of the meeting, shall be done in a manner that is consistent with these Bylaws, the Bar’s Bylaws, and the open meeting policy of the Bar as it applies to the Section.

3.5 Removal

Any officer or member of the Executive Committee may be removed for any reason(s) deemed appropriate by a two-thirds majority vote of the section Executive Committee. Grounds for removal include, but are not limited to, regular absence from section Executive Committee meetings and events, failure to perform duties, unprofessional or discourteous conduct, or whenever, in the Executive Committee’s judgment, the officer or Executive Committee member is not acting in the best interest of the Section membership.

3.6 Appointments to Fill Vacancies

The Executive Committee will appoint, by a majority vote, qualified members to fill vacancies on

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the Executive Committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.

ARTICLE ~~of 4.~~ OFFICERS; DUTIES OF OFFICERS

~~3.2.~~ 4.1 Executive Committee Officers

The officers of the Section shall include the following: Chair, 1st Vice Chair, 2nd Vice Chair, Secretary, and Treasurer.

4.2 Duties of Officers

~~3.2.1.4.2.1~~ Chair. The Chair, as chief executive officer, shall preside at all meetings of the Voting Members and the ~~executive committee~~ **Executive Committee**, and have such other executive powers and perform such other duties as are not inconsistent with these ~~bylaws~~ **Bylaws**, or the Bylaws of the ~~Association~~ **Bar**.

~~3.2.2.4.2.2~~ 1st Vice Chair. The 1st Vice Chair shall perform all duties of the Chair during the Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chair. The 1st Vice Chair shall have such other powers and perform such other duties not inconsistent with these ~~bylaws~~ **Bylaws**, as, from time to time, may be prescribed by the Chair or the ~~executive committee~~ **Executive Committee**.

~~3.2.3.4.2.3~~ 2nd Vice Chair. The 2nd Vice Chair shall perform all duties of the 1st Vice Chair during the ~~Chair's and the~~ 1st Vice Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the ~~Chair or~~ 1st Vice Chair, as applicable. The 2nd Vice Chair shall have such other powers and perform such other duties not inconsistent with these ~~bylaws~~ **Bylaws**, as, from time to time, may be prescribed by the Chair or the ~~executive committee~~ **Executive Committee**.

~~3.2.4.4.2.4~~ Secretary. The Secretary shall be responsible for the taking of minutes at each meeting of the Section and the ~~executive committee~~ **Executive Committee**, and shall provide approved minutes to the ~~Association~~ **Bar upon request** for publication and record retention. In addition, the Secretary shall be responsible for, in coordination with the Chair, preparing the agenda for any Executive Committee meetings, distributing such agenda to the Executive Committee prior to meetings, and distributing the minutes to the Executive Committee following any meeting.

~~3.2.5.4.2.5~~ Treasurer. The Treasurer will work with the ~~Association~~ **Bar** and Section ~~executive committee~~ **Executive Committee** to ensure that the Section complies with ~~Association~~ **applicable Bar** fiscal policies and procedures, work with the ~~Association~~ **Bar** and Section ~~executive committee~~ **Executive Committee** to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to the budget.

~~3.3.~~ Term

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All officer positions will be for one year and begin October 1 each year.

4. ARTICLE IV. EXECUTIVE COMMITTEE

4.1. Membership

~~There shall be a Section executive committee with voting members consisting of the following: all the officers of the Section, the Immediate Past Chair of the Section, and three At Large members. The executive committee may appoint or remove additional non-voting members of the executive committee.~~

4.2. Term

All executive committee positions will be for one year and begin October 1 each year.

4.3. Duties

~~The executive committee shall supervise and direct the affairs and determine the policies of the Section, subject to and in accordance with these bylaws and the Bylaws of the Association. The executive committee also has the discretion to submit any items of business to the Voting Members for consideration and approval.~~

4.3.1 Meetings

The executive committee may act at a meeting duly called. A quorum (a majority of the voting members of the executive committee) shall be required to transact business, and a majority of the quorum (with each voting member of the executive committee entitled to one vote) may take action on any proper item presented at the meeting. Meetings shall be called by the Chair or by a majority of the members of the executive committee, and written or electronic notice of such meetings shall be given to members of the executive committee and posted on the Association web site prior to such meeting. Executive committee members may vote by email in accordance with the Association's Bylaws. All elements of any meeting, including notice, conducting the meeting, and recording minutes of the meeting, shall be done in a manner that is consistent with the open meeting policy of the Association as it applies to the Section.

4.3.1 Removal

Any officer or member of the executive committee may be removed for any reasons deemed appropriate by a two-thirds majority vote of the section executive committee. Grounds for removal include, but are not limited to, regular absence from section executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct, or whenever, in the executive committee's judgment, the officer or executive committee member is not acting in the best interest of the section membership.

4.6. Appointments to Fill Vacancies

If any officer position or position on the executive committee becomes vacant for any reason before the expiration of a term, the voting members of the executive committee shall, by majority vote, appoint a successor. ~~When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.~~

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~~5.~~ **ARTICLE ~~V5.~~ OTHER COMMITTEES**

5.1.5.1 Creation of ~~Committees~~ Subcommittees

The ~~executive committee~~ Executive Committee shall have the power to create any ~~committee~~ pursuant to the Section as ~~subcommittee~~ it deems necessary ~~for to fulfill the purposes of furthering the objectives of the Section.~~ ~~Committees, committee~~ Subcommittees, ~~subcommittee~~ chairs, and committee members serve at the discretion of the ~~executive committee~~ Executive Committee.

~~6.~~ **ARTICLE ~~V46.~~ ELECTIONS**

6.1.6.1 Time and ~~Method~~

The Section shall hold a regular annual election. Nominations and elections for open ~~officer and executive committee~~ Executive Committee positions will be held between March and May each year or such other time period that is consistent with Bar processes for elections.

6.2 Qualifications

All individuals nominated for or holding officer or At-Large Member positions must be Voting Members. No individual may hold multiple officer or At-Large positions at the same time; provided, however, the Executive Committee may appoint an individual to fulfill the responsibilities of one or more officer positions if an officer is unavailable or in the event of a vacancy.

6.3 Method

6.3.1 Applications. Qualified Members will apply through an electronic application process administered by the Bar or such other method approved by the Executive Committee. Applicants may apply to serve in one of the officer positions or as an At-Large Member, or may apply for more than one position, dependent on the applicable election cycle and open positions.

6.3.2 Nominations & Ballot. The applications submitted pursuant to this Article 6 of these Bylaws will be reviewed by a subcommittee of the Executive Committee (the "Nominating Committee"), which shall consist of the Executive Committee Chair, Immediate Past Chair, 1st Vice Chair, and at least one Voting Member, chosen by the Executive Committee, who is not a current member of the Executive Committee. The Chair, Immediate Past Chair, and 1st Vice Chair shall develop a written plan that includes a timeline for communicating with Voting Members about the election process, including the opportunity for a Voting Member to serve on the Nominating Committee (the "Election Plan"). The timeline in the Election Plan will provide adequate notice and opportunity for Voting Members to participate in the election process and to apply for open positions. The Nominating Committee shall meet to create a candidate slate, to be submitted to the Bar, that identifies the names of each nominee and the position for which they are nominated. ~~The Association~~ Nominating Committee may nominate applicants for positions that they applied for or other positions that they have not applied for but are nonetheless qualified and well-suited for; provided that, before nominating an applicant for a different position, the Nominating Committee will consult with the applicant and obtain the applicant's agreement to be nominated for such position. The Nominating Committee may also

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nominate Voting Members of the Section who did not submit applications before the application deadline to positions for which there are no applicants; provided that before making such nominations, the Nominating Committee will consult with and obtain consent from the relevant Voting Member. The Nominating Committee shall submit the completed candidate slate to the Bar in such time as is required by the Bar.

6.3.3 Elections. The Bar will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. If there are two or more candidates for a position listed on the election ballot, then the candidate receiving the highest number of votes will be declared elected. If there is only one candidate for a position listed on the election ballot, then the candidate will be declared elected when election results are announced, regardless of the number of votes received.

For each officer position, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election, and the candidate receiving the highest number of votes in such run-off election shall be declared elected.

A single vote will be held for the three At Large executive committee positions, with each Voting Member having the ability to vote for one candidate. The three candidates receiving the most votes shall be declared elected to such At Large positions.

6.3.4 Tie-breaking. In the event of a tie, the winner will be determined by a random tie-breaking mechanism selected by the ~~executive committee~~ Executive Committee, such as a coin toss.

6.2. Nominating Committee

The nominating committee shall consist of the Immediate Past Chair, the current Chair, the 1st Vice Chair, and at least one Voting Member, chosen by the executive committee, who is not a current member of the executive committee. All applicants will apply through an electronic application process administered by the Association. The nominating committee shall nominate one or more members of the Section for each of the officers and At Large positions. The individual(s) nominated for Chair by the nominating committee shall have previously held an officer or At Large position in the Section unless the nominating committee unanimously waives this requirement. The executive committee will also have an alternative nominating process to allow for nominations to occur outside of the nominating committee process. The executive committee will approve a list of nominees for each open position. Individuals nominated through an alternative nomination process will be included on the final list of approved nominees.

6.3.6.1 Qualifications

All individuals nominated for or holding officer or At Large positions must be Voting Members. No individual may hold multiple officer or At Large positions at the same time provided, however, the executive committee may appoint an individual to fulfill the responsibilities of one or more officer positions if an officer is unavailable or in the event of a vacancy.

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~~7.~~ **ARTICLE VII. AMENDMENTS TO BYLAWS**

~~7.1. — Amendment~~

~~These bylaws/Bylaws may be amended by approval of such amendment at either a of the following processes:~~

~~7.1 Majority Vote of the Executive Committee~~

~~7.1.1 Raising an Amendment Proposal. A member of the Executive Committee shall, at a regularly scheduled Executive Committee meeting of the Voting Members or a or other appropriately called Executive Committee meeting of the executive committee. Amendments will become effective when approved by the Association's Board of Governors where notice has been given to the Executive Committee in accordance with Article 3 of these Bylaws, raise for discussion any proposed amendment ("Amendment Proposal").~~

~~7.2. — Notice~~

~~The notice calling the meeting at which the bylaws amendment is to be voted upon shall include the proposed bylaw amendment as an agenda item.~~

~~7.1.2 Presenting an Amendment Proposal. The Amendment Proposal shall be presented orally and/or in written form during the meeting, and distributed to the Executive Committee in writing electronically via email either before or immediately after the meeting, by a member of the Executive Committee. The Amendment Proposal shall contain a copy of the current Bylaws and the proposed amended bylaws with the proposed revisions clearly noted.~~

~~7.1.3 Voting on an Amendment Proposal. The Executive Committee will discuss and vote on the Amendment Proposal at a later meeting, consistent with the voting procedures described in Article 3 of these Bylaws, including quorum requirements, and within a reasonable timeframe.~~

~~7.1.4 Board of Governors Review. The Chair, or their designee, will provide the Bar's Board of Governors with the Amendment Proposal, the outcome of the Amendment Proposal vote, any relevant notes, and any other materials required or later requested by the Board of Governors.~~

~~7.1.5 Effective Date. Upon approval from the Board of Governors, the Amendment Proposal shall become an effective amendment to these Bylaws.~~

~~7.1.6 Unapproved Proposals. If not approved, the Executive Committee shall decide whether to amend and resubmit the Amendment Proposal according to the process listed in this subsection, or table the Amendment Proposal.~~

~~7.2 Majority Vote of the Section~~

~~7.2.1 Working with an Executive Committee Member. A member of the Section may reach out to collaborate with any member of the Executive Committee to create an Amendment Proposal, if there is mutual interest.~~

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7.2.2 Raising an Amendment Proposal. A member of the Executive Committee shall, at a Section Meeting, raise for discussion any Amendment Proposal.

7.2.3 Presenting an Amendment Proposal. The Amendment Proposal shall be presented orally and/or in written form during the meeting and distributed to the Section in writing electronically via email either before or immediately after the meeting, by a member of the Executive Committee. The Amendment Proposal shall contain a copy of the current Bylaws and the proposed amended bylaws with the proposed revisions clearly noted.

7.2.4 Voting on an Amendment Proposal. The Section will discuss and vote on the Amendment at a later Section Meeting, consistent with the voting procedures described in Article 2 of these Bylaws, including requiring a majority vote by Voting Members in attendance, within a reasonable timeframe.

7.2.5 Board of Governors Review. The Chair, or their designee, will provide the Bar's Board of Governors with the Amendment Proposal, the outcome of the Amendment Proposal vote, any relevant notes, and any other materials required or later requested by the Board of Governors.

7.2.6 Effective Date. Upon approval from the Board of Governors, the amendment shall become an effective amendment to these Bylaws.

7.2.7 Unapproved Proposals. If not approved, the Executive Committee shall communicate the Board of Governors feedback to the Section electronically by email. The Executive Committee shall decide whether to amend and resubmit the Amendment Proposal according to the process listed in this subsection, or table the Amendment Proposal.

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Washington State Bar Association Health Law Section Bylaws

Draft amendment for 2024-2025 Term.

ARTICLE 1. INTRODUCTION

1.1. **Bylaws**

These bylaws of the Washington State Bar Association Health Law Section (the “Bylaws”) shall govern the structure, purpose, and function of the Health Law Section.

1.2. **Name**

This section shall be known as the Health Law Section (“Section”).

1.3. **Purposes**

The purposes of the Section shall be:

- 1.3.1. To further the knowledge of the members of the Section and the Washington State Bar Association (the “Bar”) in the areas of law involving both federal and local health care;
- 1.3.2. To form an available working unit to assist in the activities of the Bar; and
- 1.3.3. To otherwise further the interests of the Bar and the legal profession as a whole.

1.4. **Fiscal Year**

The fiscal year of the Section is the same as the Bar’s fiscal year.

1.5. **Office**

The business address of the Section shall be the Bar’s business address.

ARTICLE 2. MEMBERSHIP; MEETINGS

2.1. **Members**

- 2.1.1. **Voting Members.** Any active member of the Bar, and any Emeritus Pro Bono member pursuant to APR 8(e), Judicial member, House Counsel under APR 8(f), professor at a Washington law school (whether licensed in Washington or not), or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington, may be a voting member of the Section (a “Voting Member”).

2.1.2. Subscribing Members. Any member of the public may be a non-voting member (“Subscribing Member”) of the Section. Subscribing Members shall have the same rights and privileges as Voting Members except Subscribing Members shall have no voting rights and may not serve as officers or Voting Members of the Executive Committee of the Section.

2.1.3. Dues. All Voting Members and Subscribing Members (collectively, “Members”) must pay dues annually in the amount determined by the Section Executive Committee and approved by the Bar. Any individual who fails to pay the annual dues will cease to be a Member of the Section.

2.2. *Meetings of Members*

2.2.1. Meetings. The Section may hold a meeting of the Voting Members (“Section Meeting”). Subscribing Members and members of the public may attend any meeting of the Voting Members, but are not entitled to vote at such meetings. A meeting of the Voting Members may be called by the Chair or a majority of the members of the Executive Committee. The Section Meeting shall be conducted and its minutes recorded in a manner that is consistent with the open meeting policy of the Bar as it applies to the Section.

2.2.2. Notices. Notice of the time and place of all meetings of the Voting Members shall be given to all Voting Members of the Section and published on the Bar’s website prior to any such meetings. The notice shall be given in a manner that is consistent with the open meeting policy of the Bar as it applies to the Section and may be given electronically via email.

2.2.3. Quorum; Voting. A majority of the Section’s Voting Members shall constitute a sufficient quorum of Voting Members to transact Section business at a meeting of the Voting Members, and a majority of the Voting Members attending the meeting (with each such Voting Member entitled to one vote) may take action on any proper item presented at such a meeting.

2.2.4. Rules of Order. All business meetings of the Section may be conducted in accordance with the most recent edition of Robert’s “Rules of Order” or such other procedures as selected by the individual presiding over the meeting.

ARTICLE 3. EXECUTIVE COMMITTEE

3.1 *Membership*

There shall be a Section Executive Committee (“Executive Committee”) with voting members consisting of the following: the officers of the Section described in Article 4 to these Bylaws, the immediate past chair of the Section (“Immediate Past Chair”), and three additional members (“At-Large Members”). The Executive Committee may appoint or remove additional non-voting members of the Executive Committee at its discretion.

3.2 Term

All Executive Committee positions, including those of the At-Large Members and the officers described in Article 4 of these Bylaws, will be for the following term lengths: Chair, 1st Vice Chair, and 2nd Vice Chair—two (2) years beginning on October 1 of each odd year; Secretary, Treasurer, and At-Large Members—one (1) year beginning on October 1 of each year.

3.3 Duties

The Executive Committee shall supervise and direct the affairs and determine the policies of the Section, subject to and in accordance with these Bylaws and the Bylaws of the Bar. The Executive Committee shall have discretion to submit any items of business to the Voting Members for consideration and approval.

3.4 Meetings

The Executive Committee may act at a meeting duly called. A quorum (a majority of the voting members of the Executive Committee) shall be required to transact business, and a majority of the quorum (with each voting member of the Executive Committee entitled to one vote) may take action on items presented at the meeting. Meetings shall be called by the Chair or by a majority of the members of the Executive Committee, and written or electronic notice of such meetings shall be given to members of the Executive Committee and posted on the Bar website prior to such meeting. Executive Committee members may vote by email in accordance with the Bar's Bylaws. All elements of any meeting, including notice, conducting the meeting, and recording minutes of the meeting, shall be done in a manner that is consistent with these Bylaws, the Bar's Bylaws, and the open meeting policy of the Bar as it applies to the Section.

3.5 Removal

Any officer or member of the Executive Committee may be removed for any reason(s) deemed appropriate by a two-thirds majority vote of the section Executive Committee. Grounds for removal include, but are not limited to, regular absence from section Executive Committee meetings and events, failure to perform duties, unprofessional or discourteous conduct, or whenever, in the Executive Committee's judgment, the officer or Executive Committee member is not acting in the best interest of the Section membership.

3.6 Appointments to Fill Vacancies

The Executive Committee will appoint, by a majority vote, qualified members to fill vacancies on the Executive Committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.

ARTICLE 4. OFFICERS; DUTIES OF OFFICERS

4.1 Executive Committee Officers

The officers of the Section shall include the following: Chair, 1st Vice Chair, 2nd Vice Chair, Secretary, and Treasurer.

4.2 Duties of Officers

- 4.2.1 Chair.** The Chair, as chief executive officer, shall preside at all meetings of the Voting Members and the Executive Committee, and have such other executive powers and perform such other duties as are not inconsistent with these Bylaws or the Bylaws of the Bar.
- 4.2.2 1st Vice Chair.** The 1st Vice Chair shall perform all duties of the Chair during the Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chair. The 1st Vice Chair shall have such other powers and perform such other duties not inconsistent with these Bylaws as, from time to time, may be prescribed by the Chair or the Executive Committee.
- 4.2.3 2nd Vice Chair.** The 2nd Vice Chair shall perform all duties of the 1st Vice Chair during the Chair's and the 1st Vice Chair's absence or inability to act and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Chair or 1st Vice Chair, as applicable. The 2nd Vice Chair shall have such other powers and perform such other duties not inconsistent with these Bylaws as, from time to time, may be prescribed by the Chair or the Executive Committee.
- 4.2.4 Secretary.** The Secretary shall be responsible for the taking of minutes at each meeting of the Section and the Executive Committee, and shall provide approved minutes to the Bar upon request for publication and record retention. In addition, the Secretary shall be responsible for, in coordination with the Chair, preparing the agenda for any Executive Committee meetings, distributing such agenda to the Executive Committee prior to meetings, and distributing the minutes to the Executive Committee following any meeting.
- 4.2.5 Treasurer.** The Treasurer will work with the Bar and Section Executive Committee to ensure that the Section complies with applicable Bar fiscal policies and procedures, work with the Bar and Section Executive Committee to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to the budget.

ARTICLE 5. OTHER COMMITTEES

5.1 Creation of Subcommittees

The Executive Committee shall have the power to create any subcommittee it deems necessary to fulfill the purposes of the Section. Subcommittees, subcommittee chairs, and committee members serve at the discretion of the Executive Committee.

ARTICLE 6. ELECTIONS

6.1 Time

The Section shall hold a regular annual election. Nominations and elections for open Executive Committee positions will be held between March and May each year or such other time period that is consistent with Bar processes for elections.

6.2 Qualifications

All individuals nominated for or holding officer or At-Large Member positions must be Voting Members. No individual may hold multiple officer or At-Large positions at the same time; provided, however, the Executive Committee may appoint an individual to fulfill the responsibilities of one or more officer positions if an officer is unavailable or in the event of a vacancy.

6.3 Method

6.3.1 Applications. Qualified Members will apply through an electronic application process administered by the Bar or such other method approved by the Executive Committee. Applicants may apply to serve in one of the officer positions or as an At-Large Member, or may apply for more than one position, dependent on the applicable election cycle and open positions.

6.3.2 Nominations & Ballot. The applications submitted pursuant to this Article 6 of these Bylaws will be reviewed by a subcommittee of the Executive Committee (the "Nominating Committee"), which shall consist of the Executive Committee Chair, Immediate Past Chair, 1st Vice Chair, and at least one Voting Member, chosen by the Executive Committee, who is not a current member of the Executive Committee. The Chair, Immediate Past Chair, and 1st Vice Chair shall develop a written plan that includes a timeline for communicating with Voting Members about the election process, including the opportunity for a Voting Member to serve on the Nominating Committee (the "Election Plan"). The timeline in the Election Plan will provide adequate notice and opportunity for Voting Members to participate in the election process and to apply for open positions. The Nominating Committee shall meet to create a candidate slate, to be submitted to the Bar, that identifies the names of each nominee and the position for which they are nominated. The Nominating Committee may nominate applicants for positions that they applied for or other positions that they have not applied for but are nonetheless qualified and well-suited for; provided that, before nominating an applicant for a different position, the Nominating Committee will consult with the applicant and obtain the applicant's agreement to be nominated for such position. The Nominating Committee may also nominate Voting Members of the Section who did not submit applications before the application deadline to positions for which there are no applicants; provided that before making such nominations, the Nominating Committee will consult with and obtain consent from the relevant Voting Member. The Nominating Committee shall submit the completed candidate slate to the Bar in such time as is required by the Bar.

6.3.3 Elections. The Bar will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. If there are two or more candidates for a position listed on the election ballot, then the candidate receiving the highest number of votes will be declared elected. If there is only one candidate for a position listed on the election ballot, then the candidate will be declared elected when election results are announced, regardless of the number of votes received.

6.3.4 Tie-breaking. In the event of a tie, the winner will be determined by a random tie-breaking mechanism selected by the Executive Committee, such as a coin toss.

ARTICLE 7. AMENDMENTS TO BYLAWS

These Bylaws may be amended by either of the following processes:

7.1 *Majority Vote of the Executive Committee*

7.1.1 Raising an Amendment Proposal. A member of the Executive Committee shall, at a regularly scheduled Executive Committee meeting or other appropriately called Executive Committee meeting where notice has been given to the Executive Committee in accordance with Article 3 of these Bylaws, raise for discussion any proposed amendment (“Amendment Proposal”).

7.1.2 Presenting an Amendment Proposal. The Amendment Proposal shall be presented orally and/or in written form during the meeting, and distributed to the Executive Committee in writing electronically via email either before or immediately after the meeting, by a member of the Executive Committee. The Amendment Proposal shall contain a copy of the current Bylaws and the proposed amended bylaws with the proposed revisions clearly noted.

7.1.3 Voting on an Amendment Proposal. The Executive Committee will discuss and vote on the Amendment Proposal at a later meeting, consistent with the voting procedures described in Article 3 of these Bylaws, including quorum requirements, and within a reasonable timeframe.

7.1.4 Board of Governors Review. The Chair, or their designee, will provide the Bar’s Board of Governors with the Amendment Proposal, the outcome of the Amendment Proposal vote, any relevant notes, and any other materials required or later requested by the Board of Governors.

7.1.5 Effective Date. Upon approval from the Board of Governors, the Amendment Proposal shall become an effective amendment to these Bylaws.

7.1.6 Unapproved Proposals. If not approved, the Executive Committee shall decide whether to amend and resubmit the Amendment Proposal according to the process listed in this subsection, or table the Amendment Proposal.

7.2 *Majority Vote of the Section*

7.2.1 Working with an Executive Committee Member. A member of the Section may reach out to collaborate with any member of the Executive Committee to create an Amendment Proposal, if there is mutual interest.

7.2.2 Raising an Amendment Proposal. A member of the Executive Committee shall, at a Section Meeting, raise for discussion any Amendment Proposal.

7.2.3 Presenting an Amendment Proposal. The Amendment Proposal shall be presented orally and/or in written form during the meeting and distributed to the Section in writing electronically via email either before or immediately after the meeting, by a member of the Executive Committee. The Amendment Proposal shall contain a copy of the current Bylaws and the proposed amended bylaws with the proposed revisions clearly noted.

- 7.2.4 Voting on an Amendment Proposal.** The Section will discuss and vote on the Amendment at a later Section Meeting, consistent with the voting procedures described in Article 2 of these Bylaws, including requiring a majority vote by Voting Members in attendance, within a reasonable timeframe.
- 7.2.5 Board of Governors Review.** The Chair, or their designee, will provide the Bar's Board of Governors with the Amendment Proposal, the outcome of the Amendment Proposal vote, any relevant notes, and any other materials required or later requested by the Board of Governors.
- 7.2.6 Effective Date.** Upon approval from the Board of Governors, the amendment shall become an effective amendment to these Bylaws.
- 7.2.7 Unapproved Proposals.** If not approved, the Executive Committee shall communicate the Board of Governors feedback to the Section electronically by email. The Executive Committee shall decide whether to amend and resubmit the Amendment Proposal according to the process listed in this subsection, or table the Amendment Proposal.

TO: WSBA Board of Governors
CC: Terra Nevitt (Executive Director); Carolyn MacGregor (Sections Program Specialist)
FROM: Seth Millstein, Chair-Elect, and Bart Reed, Current Chair
DATE: August 13, 2024
RE: Proposed Changes to Construction Law Section Bylaws

Action: Approve amendments to Construction Law Section Bylaws

The Construction Law Section has decided to modify its bylaws to modify, among other things, officer term limits and voting rights due to a persistent inability to obtain a full quorum and otherwise motivate and inspire EC members to participate more often. Below are bullet points regarding the 12 main changes with comments in *italics* after each.

- Young Lawyer Liaison will get one vote (*typically the YLL shows up routinely, but cannot vote; this change will not only assist with their participation but will help move us towards a quorum hopefully if participation continues with the YLL as we expect*)
- Immediate Past Chair is the only immediate past chair on EC (*right now it's the IPC and second IPC, who largely drops off the radar, which means getting to a quorum is extremely hard; additionally, we're allowing other past chairs to vote, see below*).
- Voting rights for one past chair is permitted; if more than one appears, reverse seniority applies (*Ronald English was a past chair, and he shows up to almost every meeting, but has no vote; allowing Ron to vote, for example, will move us towards a quorum more readily and if two past chairs show up, only one can vote, in reverse seniority is in place in case the most immediate past chair after the IPC shows up and wants to participate – we don't want two extra spots to open, because this would not help towards a quorum.*)
- A 2-year cycle for treasurer and secretary; earliest start will be next year because it starts in odd numbered years (*there are two reasons for this change from 1-year cycles now; first these are positions that we want people to really appreciate rather than skipping through and second there is a learning curve, so 2 years is far more efficient*)
- Must have one at-large cycle before any positions "above" – vice chair, treasurer or secretary (*recently, we had someone skip the at-large position and jump straight on to the treasurer role, and we thought that it would be a good idea to have one "run" in at-large in the future before a position above that so that that individual gets a flavor for the workings of the EC first*)
- At-Large can extend to up to 3 cycles rather than 2 (*this should allow for more participation; we often struggle to fill all rolls and we want to allow someone who enjoys being at-large to continue for up to 9 years.*)
- Clarifying no elections for Vice Chair or Chair Elect into the following year (*this is not a change, but we wanted to clarify it because the issue came up; the person in the VC spot automatically becomes CE the next year and CE becomes Chair the next year unless they resign or are voted out*)

- Try to announce new slate prior to June CLE (*this year for example, the slate was finalized of new officers on June 27 when our annual CLE, the fulcrum of the year, was on June 14 and it would have been nice for the Chair to announce the new members, and give recognition on the 14th, which was not possible this year*)
- Attendance goals (90%) (*Zoom is permitted; meetings don't last for more than 1 hour and there are only 10 in any year, so 9 should be the goal, with exceptions made if there are trials, illness, injury, etc., but this is an aspirational way to encourage participation*)
- Affirmation of Duties (*at the beginning of each new year, the Chair will read the affirmation to try to inspire participation and note the value of the role; that way, if we have non-participating members, we can remind them of this affirmation later if they are not fulfilling their duties*).
- Allows inactive bar members to vote (*we want to broadly allow participation. Ron English for example has retired and gone inactive, but attends regularly and is vital and we want to extend the ability to vote to Ron and others, including professors, the disabled, etc., who wish to participate*)
- Guarantee a spot on the ballot to those who are filling shorter at-large terms (*this year for example, two at-large members are jumping "up" to treasurer and vice-chair to fill openings, and the two new members, filling their spots, will only have one year until his/her term expires. We want to encourage folks to jump into these shorter spots, if necessary, but feel no pressure to run for treasurer or secretary or vice, which are more time consuming, and allow them to then go through a full 3-year cycle if they so choose, and guaranteeing a spot on the ballot is the best way to achieve this goal.*)

Background

This request was proposed by the Construction Law Section Executive Committee. The entire Section EC approved the proposed revised bylaws at the July 10, 2024, executive committee meeting. We see no barriers to the proposed solution and do not believe there would be any impact on equity, fiscal or legal – in fact we believe this broadens equity in that we're allowing past chairs who have now retired / gone inactive, to vote, and we are hopeful these changes allow for a more effective and engaged Section going forward.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The risk analysis is provided in 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 to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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 the proposed changes are intended to facilitate more successfully reaching quorum among other goals. Without having more specific information like perspectives or input from the section members or others who may be ultimately impacted by this change, it is difficult to do an equity analysis. However, based on the information provided, there do not appear to be any concerns about inequitable outcomes.

Attachments

Construction Law Section_Bylaws proposed revision final 2024.07.15 Redlined

Construction Law Section_Bylaws proposed revision final 2024.07.15 Clean

WASHINGTON STATE BAR ASSOCIATION

CONSTRUCTION LAW SECTION

Bylaws

As last amended and approved by the Washington State Bar Association Board of Governors on ~~July 27, 2017~~ _____.

ARTICLE I. NAME AND PURPOSE

Section 1. NAME

This Section shall be known as the Construction Law Section (hereinafter referred to as “the Section”).

Section 2. PURPOSE

The purpose of the Section shall extend to the field of public and private procurement and construction matters, with emphasis upon laws, regulations, and administrative and court decisions affecting the same.

The purposes of this Section are to promote the education of Washington State Bar Association members in laws, regulations, and administrative and court decisions affecting such procurement and construction, and the sound development of relevant laws and regulations, to cooperate in that endeavor with the American Bar Association and its sections and to promote the objects of the Washington State Bar Association (hereinafter referred to as “WSBA”).

ARTICLE II. MEMBERSHIP AND DUES

Section 1

Each voting member of this Section shall be an Active member in good standing of the WSBA, an inactive member, or any professor at a Washington law school (whether licensed in Washington or not).

Section 2

Each member of this Section shall pay to the WSBA annual dues in an amount to be determined by the executive committee and approved by the WSBA Board of Governors. Any member of the WSBA shall, upon request and payment of WSBA and Section dues for the current year, be enrolled as a member of this Section. Thereafter, such dues shall be paid as provided by WSBA.

Section 3

Subscribers are non-voting members who may not hold Section office or be a member of the executive committee.

- (a) In accordance with the WSBA Bylaws, law students may be enrolled as subscribers (“subscribers”) of the Section. The Section membership dues for law students shall be set at a standard amount annually determined by the Board of Governors.

- (b) Licensed legal professionals who are not Active members of the WSBA may be enrolled as a subscriber of the Section. The Section membership dues for such non-active subscriber shall be the same as that established for voting members.

ARTICLE III. EXECUTIVE COMMITTEE

Section 1

The Officers of this Section shall be a Chair, a Chair-elect, a Vice Chair, a Treasurer, and a Secretary (collectively, "Officers").

Section 2

There shall be a governing executive committee, which shall consist of sixteen (16) total members:

- Officers (5)
- At-Large Members (9)
- Immediate Past Chair (IPC) (1)
- Young Lawyer Liaison (1)

~~the Officers plus nine At-Large Members and the one two Immediate Past Chairs, all as voting members. Other Past Chairs (PC) of the Section, other than the Immediate Past Chair, shall be honorary members of the executive committee. As such, they shall be given notice of and have the right to attend all meetings of the executive committee, and to participate in the discussions, but shall be nonvoting members other than the have limited voting rights provided in (see Article V, Section 3). not have any voting right at any such meeting.~~

Section 3

- (a) Officers and At-Large executive committee members shall be selected from the eligible membership of the Section.

- (b) The ~~t~~Term for Officers, except Treasurer and Secretary, shall be one ~~(1)~~ year, the tTerm for Treasurer and Secretary shall be two (2) years, and the tTerm for At-Large executive committee members shall be three (3) years, unless an executive committee member is elected for a partial term to fill a vacancy. Note: any individual elected as an At-Large member for a term of less than three full years shall then be guaranteed inclusion on the ballot if they apply for the subsequent At-Large position when their given term expires. Any shorter cycle will not count towards the limits below in Section §3(c).

~~(c) Eligible Section members may be elected for up to three (3) consecutive three (3) year terms as At-Large executive committee members. No Section member who has been elected to serve for a second (2) consecutive term of three (3) years as an At-Large executive committee member shall be eligible for election to serve a third (3) consecutive three (3) year term. The terms for the Officers elect are exclusive of the above limits. If the term of the Chair-elect or the Vice Chair is scheduled to expire, he/she/they shall remain an executive committee member until his/her/their service as Immediate Past Chair is concluded (see Article VI, Section 2).~~

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Section 4

The membership of the Section shall be divided into regions of the number, size, and composition as

may be established from time to time by the executive committee.

ARTICLE IV. DUTIES AND POWERS OF OFFICERS

Section 1

The Chair shall preside at all meetings of the Section and of the executive committee and shall formulate a report of the work of the Section for the then closing year and submit it to WSBA. The Chair shall plan and superintend the program and performance of all activities of the Section, subject to the directions and approval of the executive committee. The Chair shall keep the executive committee duly informed of such activities and shall carry out its decisions. The Chair shall, in addition, perform such other duties and acts as usually pertain to the office or as may be designated by the executive committee.

Section 2

The Chair-elect shall, in consultation with the Chair, appoint the chairs and members of all Committees of the Section who are to hold office during the Chair-elect's term as Chair. All such appointments shall be made prior to the Chair-elect beginning its term as Chair. The Chair-elect shall aid the Chair in the performance of [his/her/their](#) responsibilities in such manner and to such extent as the Chair may request and shall perform such further duties and have such further powers as usually pertain to the office or as may be designated by the executive committee or by the Chair. In case of the death, resignation, or disability of the Chair, the Chair-elect shall perform the duties of the Chair for the remainder of the Chair's term or during [his/her/their](#) disability, as the case may be.

Section 3

The Vice Chair shall consult with and assist the Chair and the Chair-elect in the discharge of their duties as set forth above. The Vice Chair shall perform such special assignments and duties and have such further powers as may be designated or conferred upon [him/her/them](#) by the executive committee or the Chair. In the case of the death, resignation, or disability of the Chair-elect, the Vice Chair shall perform the duties of the Chair-elect for the remainder of the Chair-elect's term or during [his/her/their](#) disability, as the case may be.

Section 4

The Secretary shall consult with and assist the officers of the Section in the work of the Section. The Secretary shall take minutes at all meetings of the Section and of the executive committee, and provide approved minutes to the WSBA for publication and record retention. The Secretary, in conjunction with the Chair, as authorized by the executive committee, shall attend generally to the business of the Section and shall perform such further duties and have such further powers as may be designated by the Chair or the executive committee. In case of death, resignation, or disability of the Chair and Chair-elect, and Vice Chair, the Secretary shall perform the duties of the Chair for the remainder of the Chair's or Chair-elect's term or during [his/her/their](#) disability, as the case may be.

Section 5

The Treasurer shall work with the WSBA to ensure that the Section complies with WSBA fiscal policies and procedures, work with the WSBA to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget, and shall perform such other reasonable duties as directed by the Chair and the executive committee.

ARTICLE V. DUTIES AND POWERS OF EXECUTIVE COMMITTEE

Section 1 The executive committee shall have general supervision and control of the affairs of the Section subject to the provisions of the Bylaws of WSBA and the bylaws of this Section.

Section 2

A majority of the voting members of the executive committee shall constitute a quorum for the transaction of its business. Except as otherwise provided in these Bylaws or the WSBA Bylaws, actions of the executive committee shall be by majority vote of those present once a quorum is established, including by telephone or video conference or the like, and voting.

Section 3

Executive committee members may vote in person (or by telephone or videoconference if attending remotely), or by email in accordance with the WSBA Bylaws. All members of the executive committee shall have the right to vote on any matter properly before the executive committee. With respect to the IPC only, in the IPC's absence, inability, recusal, or refusal to cast a vote on any matter properly before the executive committee, one honorary past chair attendee present at the executive committee meeting may act in the IPC's place. In that case, if more than one past chair is present for a vote, the PC who most recently served as Chair will cast the designated vote.

Section 4

The ~~E~~executive ~~c~~Committee shall authorize the creation of such standing committees as it deems advisable, and may delegate authority to the Chair to create special committees and make special assignments during his/her/their term, with such powers and duties as the executive committee may authorize and direct, subject to the limitations of the bylaws of the Section and the Bylaws of WSBA: provided, however, that no action of any committee shall become effective as the action of the Section until it is approved by the executive committee or by the Section.

ARTICLE VI. NOMINATIONS AND ELECTIONS

Section 1

At each annual election, there shall be elected a Vice Chair, ~~a Secretary, a Treasurer,~~ and three At-Large executive committee members. In odd-numbered years, there shall also be elected a Secretary and a Treasurer.

Section 2

All executive committee positions will begin on October 1 each year. The ~~then-~~existing Chair-elect shall cease to be such at the end of his/her/their term and shall, at that time and without further action by the members of the Section or by the executive committee, become Chair for the ensuing year. The ~~then-~~existing Vice Chair shall cease to be such at the end of his/her/their term and at that time and without further action by the members of the Section or by the executive committee, become Chair-elect for the ensuing year. The then-existing Chair shall cease to be such at the end of their term and at that time, and without further action by the members of the section or by the executive committee, become the IPC for the ensuing year.

Section ~~2~~3

No person shall be elected to any office enumerated in Section 1 hereof unless that person has been a voting member of this Section for at least ~~two~~one full years. No person may be elected to the office of Vice Chair who has not been an executive committee member for at least two full years. No person may be elected to the office of Treasurer or Secretary who has not been an executive committee member for at least one full year.

Section 43

~~By last day of February of E~~each year, the Chair shall appoint a nominating committee of three members of the Section, at least one of whom should not be a current member of the executive committee, to make recommendations for candidates for the offices of Vice Chair, ~~Secretary, Treasurer,~~ and ~~for~~ the three At-Large executive committee positions, and every other year for the offices of Secretary and Treasurer members to be elected. The Chair shall ~~provide a list~~file a written notice with the Secretary of the Section of the members named to the nominating committee to the Secretary of the Section at the time of their appointment.

Section 54

All applicants will apply through an electronic application process administered by the WSBA. The nominating committee shall file its report in writing with the Secretary of the Section, making recommendations for all the Officers and At-Large executive committee members to be elected at least by the last day of March. The Secretary shall forward copies of such report to all members of the executive committee promptly after the report is filed with the Secretary.

Section 65

Additional nominations may be made after submission of the nominating committee's report by filing a petition with the Secretary of the Section, at least thirty ~~(30)~~ days in advance of the election and signed by at least fifteen ~~(15)~~ members of the Section in good standing, nominating a person qualified for any of the positions to be elected. The executive committee will approve a list of nominees for each open position which shall be the basis for WSBA's electronic voting as per Section 7 hereunder.--

Section 76

All notices, reports, and petitions filed with the Secretary pursuant to this Article VI shall be made available upon request. The Chair shall cause such additional publication of such notices, reports, and petitions to be made as may be practical and as ~~he/she~~they deems deem appropriate.

Section 87

Nominations and elections for open executive committee positions will be held in May each year. The WSBA will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by majority vote of the executive committee. The results will be announced at the annual meeting.

ARTICLE VII. SUCCESSION OF OFFICERS, VACANCIES, ETC.

Section 1

The Chair-elect shall, unless ~~he/she~~they ~~has~~has been removed from office by the executive committee, automatically assume the office of Chair for the term of one ~~(1)~~ year, as provided in Section 1 of Article VI hereof.

Section 2

- (a) The executive committee, during the interim between annual elections of the Section, will appoint, by majority vote, members to fill vacancies on the executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated

term.

- (b) Any member of the executive committee may be removed by a two-thirds majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership. Attendance is a key component. Because the Section permits video or telephonic attendance, the goal is 90% attendance. All members of the executive committee must agree, during their first meeting, to a substantially similar pledge: "I understand and acknowledge that my attendance at monthly meetings is essential. If I am not able to attend, I will notify the Chair and Vice-Chair by email prior to the meeting. Excused absences include trials or arbitrations as well as serious health concerns or travel (such as being on a plane or in a place with no wi-fi). Because attendance is possible by phone, at a minimum, I vow to be present at 90% of the meetings. If not, I understand that I will be notified that my position is at risk and if unexcused absences continue, I may be subject to removal."

Section 3

The ~~two (2) Immediate Past Chairs~~PC shall be defined ~~to include (a) as~~ the Chair presiding at the time of the annual election ~~and (b) his/her immediate predecessor as Chair.~~

ARTICLE VIII. MEETINGS OF SECTION MEMBERSHIP

Section 1

The annual meeting of the Section shall be held in June each year in conjunction with the annual midyear CLE or at such other time as designated by a majority vote of the executive committee.

Section 2

Special meetings of the Section may be called by the Chair, upon approval of the executive committee, at such time and place as the Chair may determine.

Section 3

The members of the Section present at any meeting of the Section shall constitute a quorum for the transaction of business.

Section 4

All binding action of the Section shall be by a majority vote of the members present, unless these bylaws specify otherwise.

Section 5

The Section hereby delegates to the executive committee authority to act for the Section as to all matters whatsoever which come before the Section during intervals between the annual meetings of the Section.

Section 6

The executive committee may direct that a matter be submitted to the members of the Section for vote by electronic means. In such event binding action of the Section shall be by a majority of the votes received in accordance with rules fixed by the executive committee.

ARTICLE IX. MISCELLANEOUS PROVISIONS

Section 1

The fiscal year of the Section shall be the same as that of WSBA.

Section 2

No salary or compensation shall be paid to any officer of the Section, member of the executive committee, or member of a committee.

Section 3

No report, recommendation or other action by this Section shall be considered as the action of WSBA unless and until it shall have been approved by the Board of Governors.

ARTICLE X. AMENDMENTS

These bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, or at an executive committee meeting by a majority vote of the voting executive committee members once a quorum is established, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of WSBA.

APPROVED by the Board of Governors of the Washington State Bar Association at Rosario, Washington, July 18, 1986.

APPROVED by the Council of the Public Procurement and Private Construction Law Section the Washington State Bar Association, September 19, 1986, at Seattle, Washington.

APPROVED by the Council of the Construction Law Section of the Washington State Bar Association at Seattle, Washington, July 14, 2010.

APPROVED by the Members of the Construction Law Section of the Washington State Bar Association at Seattle, Washington, October 19, 2010.

APPROVED by the Board of Governors of the Washington State Bar Association at La Conner Washington, December 10, 2010.

APPROVED by the Board of Governors of the Washington State Bar Association at Union, Washington, July 27, 2017.

APPROVED by the Executive Committee Construction Law Section of the Washington State Bar Associated at Seattle, Washington, July 10 _____, 2024.

APPROVED by the Board of Governors of the Washington State Bar Associated at _____, Washington, _____, 2024.

WASHINGTON STATE BAR ASSOCIATION

CONSTRUCTION LAW SECTION

Bylaws

As last amended and approved by the Washington State Bar Association Board of Governors on _____.

ARTICLE I. NAME AND PURPOSE

Section 1. NAME

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The purpose of the Section shall extend to the field of public and private procurement and construction matters, with emphasis upon laws, regulations, and administrative and court decisions affecting the same.

The purposes of this Section are to promote the education of Washington State Bar Association members in laws, regulations, and administrative and court decisions affecting such procurement and construction, and the sound development of relevant laws and regulations; to cooperate in that endeavor with the American Bar Association and its sections; and to promote the objects of the Washington State Bar Association (hereinafter referred to as “WSBA”).

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Each member of this Section shall pay to the WSBA annual dues in an amount to be determined by the executive committee and approved by the WSBA Board of Governors. Any member of the WSBA shall, upon request and payment of WSBA and Section dues for the current year, be enrolled as a member of this Section. Thereafter, such dues shall be paid as provided by WSBA.

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Subscribers are non-voting members who may not hold Section office or be a member of the executive committee.

- (a) In accordance with the WSBA Bylaws, law students may be enrolled as subscribers (“subscribers”) of the Section. The Section membership dues for law students shall be set at a standard amount annually determined by the Board of Governors.

- (b) Licensed legal professionals who are not Active members of the WSBA may be enrolled as a subscriber of the Section. The Section membership dues for such non-active subscriber shall be the same as that established for voting members.

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Section 1

The Officers of this Section shall be a Chair, a Chair-elect, a Vice Chair, a Treasurer, and a Secretary (collectively, "Officers").

Section 2

There shall be a governing executive committee, which shall consist of sixteen total members:

- Officers (5)
- At-Large Members (9)
- Immediate Past Chair (IPC) (1)
- Young Lawyer Liaison (1)

Past Chairs (PC) of the Section, other than the Immediate Past Chair, shall be honorary members of the executive committee. As such, they shall be given notice of and have the right to attend all meetings of the executive committee, and to participate in the discussions, but shall be nonvoting members other than the limited voting rights provided in Article V, Section 3.

Section 3

- (a) Officers and At-Large executive committee members shall be selected from the eligible membership of the Section.
- (b) The term for Officers, except Treasurer and Secretary, shall be one year, the term for Treasurer and Secretary shall be two years, and the term for At-Large executive committee members shall be three years, unless an executive committee member is elected for a partial term to fill a vacancy. Note: any individual elected as an At-Large member for a term of *less* than three full years shall then be guaranteed inclusion on the ballot if they apply for the subsequent At-Large position when their given term expires. Any shorter cycle will not count towards the limits below in Section 3(c).
- (c) Eligible Section members may be elected for up to three consecutive three-year terms as At-Large executive committee members. No Section member who has been elected to serve for a third consecutive term of three years as an At-Large executive committee member shall be eligible for election to serve a fourth consecutive three-year term. The terms for the Officers elect are exclusive of the above limits. If the term of the Chair-elect or the Vice Chair is scheduled to expire, they shall remain an executive committee member until their service as Immediate Past Chair is concluded (see Article VI, Section 2).

Section 4

The membership of the Section shall be divided into regions of the number, size, and composition as may be established from time to time by the executive committee.

ARTICLE IV. DUTIES AND POWERS OF OFFICERS

Section 1

The Chair shall preside at all meetings of the Section and of the executive committee and shall formulate a report of the work of the Section for the then closing year and submit it to WSBA. The Chair shall plan and superintend the program and performance of all activities of the Section, subject to the directions and approval of the executive committee. The Chair shall keep the executive committee duly informed of such activities and shall carry out its decisions. The Chair shall, in addition, perform such other duties and acts as usually pertain to the office or as may be designated by the executive committee.

Section 2

The Chair-elect shall, in consultation with the Chair, appoint the chairs and members of all Committees of the Section who are to hold office during the Chair-elect's term as Chair. All such appointments shall be made prior to the Chair-elect beginning its term as Chair. The Chair-elect shall aid the Chair in the performance of their responsibilities in such manner and to such extent as the Chair may request and shall perform such further duties and have such further powers as usually pertain to the office or as may be designated by the executive committee or by the Chair. In case of the death, resignation, or disability of the Chair, the Chair-elect shall perform the duties of the Chair for the remainder of the Chair's term or during their disability, as the case may be.

Section 3

The Vice Chair shall consult with and assist the Chair and the Chair-elect in the discharge of their duties as set forth above. The Vice Chair shall perform such special assignments and duties and have such further powers as may be designated or conferred upon them by the executive committee or the Chair. In the case of the death, resignation, or disability of the Chair-elect, the Vice Chair shall perform the duties of the Chair-elect for the remainder of the Chair-elect's term or during their disability, as the case may be.

Section 4

The Secretary shall consult with and assist the officers of the Section in the work of the Section. The Secretary shall take minutes at all meetings of the Section and of the executive committee and provide approved minutes to the WSBA for publication and record retention. The Secretary, in conjunction with the Chair, as authorized by the executive committee, shall attend generally to the business of the Section and shall perform such further duties and have such further powers as may be designated by the Chair or the executive committee. In case of death, resignation, or disability of the Chair and Chair-elect, and Vice Chair, the Secretary shall perform the duties of the Chair for the remainder of the Chair's or Chair-elect's term or during their disability, as the case may be.

Section 5

The Treasurer shall work with the WSBA to ensure that the Section complies with WSBA fiscal policies and procedures, work with the WSBA to prepare the Section's annual budget and review the Section's monthly financial statements for accuracy and comparison to budget, and shall perform such other reasonable duties as directed by the Chair and the executive committee.

ARTICLE V. DUTIES AND POWERS OF EXECUTIVE COMMITTEE

Section 1 The executive committee shall have general supervision and control of the affairs of the Section subject to the provisions of the Bylaws of WSBA and the bylaws of this Section.

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A majority of the voting members of the executive committee shall constitute a quorum for the transaction of its business. Except as otherwise provided in these Bylaws or the WSBA Bylaws, actions of the executive committee shall be by majority vote of those present once a quorum is established, including by telephone or video conference or the like, and voting.

Section 3

Executive committee members may vote in person (or by telephone or videoconference if attending remotely), or by email in accordance with the WSBA Bylaws. All members of the executive committee shall have the right to vote on any matter properly before the executive committee. With respect to the IPC only, in the IPC's absence, inability, recusal, or refusal to cast a vote on any matter properly before the executive committee, one honorary past chair attendee present at the executive committee meeting may act in the IPC's place. In that case, if more than one past chair is present for a vote, the PC who most recently served as Chair will cast the designated vote.

Section 4

The executive committee shall authorize the creation of such standing committees as it deems advisable, and may delegate authority to the Chair to create special committees and make special assignments during their term, with such powers and duties as the executive committee may authorize and direct, subject to the limitations of the bylaws of the Section and the Bylaws of WSBA: provided, however, that no action of any committee shall become effective as the action of the Section until it is approved by the executive committee or by the Section.

ARTICLE VI. NOMINATIONS AND ELECTIONS

Section 1

At each annual election, there shall be elected a Vice Chair and three At- Large executive committee members. In odd-numbered years, there shall also be elected a Secretary and a Treasurer.

Section 2

All executive committee positions will begin on October 1 each year. The then-existing Chair-elect shall cease to be such at the end of their term and shall, at that time and without further action by the members of the Section or by the executive committee, become Chair for the ensuing year. The then-existing Vice Chair shall cease to be such at the end of their term and at that time and without further action by the members of the Section or by the executive committee, become Chair-elect for the ensuing year. The then-existing Chair shall cease to be such at the end of their term and at that time, and without further action by the members of the section or by the executive committee, become the IPC for the ensuing year.

Section 3

No person shall be elected to any office enumerated in Section 1 hereof unless that person has been a voting member of this Section for at least one full year. No person may be elected to the office of Vice Chair who has not been an executive committee member for at least two full years. No person may be elected to the office of Treasurer or Secretary who has not been an executive committee member for at least one full year.

Section 4

Each year, the Chair shall appoint a nominating committee of three members of the Section, at least

one of whom should not be a current member of the executive committee, to make recommendations for candidates for the offices of Vice Chair and the three At-Large executive committee positions, and every other year for the offices of Secretary and Treasurer. The Chair shall provide a list of the members named to the nominating committee to the Secretary of the Section at the time of their appointment.

Section 5

All applicants will apply through an electronic application process administered by the WSBA. The nominating committee shall file its report in writing with the Secretary of the Section, making recommendations for all the Officers and At-Large executive committee members to be elected at least by the last day of March. The Secretary shall forward copies of such report to all members of the executive committee promptly after the report is filed with the Secretary.

Section 6

Additional nominations may be made after submission of the nominating committee's report by filing a petition with the Secretary of the Section, at least thirty days in advance of the election and signed by at least fifteen members of the Section in good standing, nominating a person qualified for any of the positions to be elected. The executive committee will approve a list of nominees for each open position which shall be the basis for WSBA's electronic voting as per Section 7 hereunder.

Section 7

All notices, reports, and petitions filed with the Secretary pursuant to this Article VI shall be made available upon request. The Chair shall cause such additional publication of such notices, reports, and petitions to be made as may be practical and as they deem appropriate.

Section 8

Nominations and elections for open executive committee positions will be held in May each year. The WSBA will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by majority vote of the executive committee. The results will be announced at the annual meeting.

ARTICLE VII. SUCCESSION OF OFFICERS, VACANCIES, ETC.

Section 1

The Chair-elect shall, unless they have been removed from office by the executive committee, automatically assume the office of Chair for the term of one year, as provided in Section 1 of Article VI hereof.

Section 2

- (a) The executive committee, during the interim between annual elections of the Section, will appoint, by majority vote, members to fill vacancies on the executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.
- (b) Any member of the executive committee may be removed by a two-thirds majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or

discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership. Attendance is a key component. Because the Section permits video or telephonic attendance, the goal is 90% attendance. All members of the executive committee must agree, during their first meeting, to a substantially similar pledge: *"I understand and acknowledge that my attendance at monthly meetings is essential. If I am not able to attend, I will notify the Chair and Vice-Chair by email prior to the meeting. Excused absences include trials or arbitrations as well as serious health concerns or travel (such as being on a plane or in a place with no wi-fi). Because attendance is possible by phone, at a minimum, I vow to be present at 90% of the meetings. If not, I understand that I will be notified that my position is at risk and if unexcused absences continue, I may be subject to removal."*

Section 3

The IPC shall be defined as the Chair presiding at the time of the annual election.

ARTICLE VIII. MEETINGS OF SECTION MEMBERSHIP

Section 1

The annual meeting of the Section shall be held in June each year in conjunction with the annual midyear CLE or at such other time as designated by a majority vote of the executive committee.

Section 2

Special meetings of the Section may be called by the Chair, upon approval of the executive committee, at such time and place as the Chair may determine.

Section 3

The members of the Section present at any meeting of the Section shall constitute a quorum for the transaction of business.

Section 4

All binding action of the Section shall be by a majority vote of the members present, unless these bylaws specify otherwise.

Section 5

The Section hereby delegates to the executive committee authority to act for the Section as to all matters whatsoever which come before the Section during intervals between the annual meetings of the Section.

Section 6

The executive committee may direct that a matter be submitted to the members of the Section for vote by electronic means. In such event binding action of the Section shall be by a majority of the votes received in accordance with rules fixed by the executive committee.

ARTICLE IX. MISCELLANEOUS PROVISIONS

Section 1

The fiscal year of the Section shall be the same as that of WSBA.

Section 2

No salary or compensation shall be paid to any officer of the Section, member of the executive committee, or member of a committee.

Section 3

No report, recommendation or other action by this Section shall be considered as the action of WSBA unless and until it shall have been approved by the Board of Governors.

ARTICLE X. AMENDMENTS

These bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, or at an executive committee meeting by a majority vote of the voting executive committee members once a quorum is established, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of WSBA.

APPROVED by the Board of Governors of the Washington State Bar Association at Rosario, Washington, July 18, 1986.

APPROVED by the Council of the Public Procurement and Private Construction Law Section the Washington State Bar Association, September 19, 1986, at Seattle, Washington.

APPROVED by the Council of the Construction Law Section of the Washington State Bar Association at Seattle, Washington, July 14, 2010.

APPROVED by the Members of the Construction Law Section of the Washington State Bar Association at Seattle, Washington, October 19, 2010.

APPROVED by the Board of Governors of the Washington State Bar Association at La Conner Washington, December 10, 2010.

APPROVED by the Board of Governors of the Washington State Bar Association at Union, Washington, July 27, 2017.

APPROVED by the Executive Committee Construction Law Section of the Washington State Bar Associated at Seattle, Washington, July 10, 2024.

APPROVED by the Board of Governors of the Washington State Bar Associated at _____, Washington, _____, 2024.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Kelly Lawton-Abbott, Chair for Business Law Section
DATE: August 6, 2024
RE: Amendment to Business Law Bylaws

ACTION: Request for approval of amendments to the Business Law Section Bylaws: The Business Law Section has requested to amend the Bylaws to allow for more flexibility with the timing of the annual meeting. We are also requesting an amendment to the Bylaws to add the Privacy Committee as a permanent committee of the Business Law Section.

Problem Statement

Currently the Bylaws require the annual meeting to be held in April or May of each year and the Section would like to amend this requirement to allow for the annual meeting to be held at any time during the year.

The Privacy Committee of the Business Law Section was formed in 2021 to meet the increasing needs for privacy education under the WSBA. Since 2021, the Privacy Committee has been organizing events under the Business Law Section of the WSBA and we would like to make the committee a permanent committee in the section bylaws.

Background

The Section has not been able to historically hold an annual meeting in April or May and would like to have more flexibility in the timing of the annual board meeting. The Section has determined it would be in the best interest of the Section to be able to hold the annual meeting at any time of the year to meet the changing demands of different Section Chairs.

A group of lawyers formed the Privacy Committee under the Business Law Section. The committee has been active since 2021 and continues to provide valuable CLE opportunities for the WSBA and consequently we would like to make the committee permanent in our bylaws.

Community Input

This issue was brought up during our February 2024 meeting. A draft to the Bylaws was proposed during the April Business Law Executive Committee meeting and voted on and approved by a majority during the June 2024 meeting.

Information for Fiscal Analysis

There are no identifiable financial implications associated with the changing the annual meeting dates from the Section's perspective. Including the Privacy Committee is an additional opportunity to bring in revenue for the

section. To this date they have provided free CLE's with minimal to no costs. Any budgetary needs are included under the current budget.

Information for Equity Analysis

This could impact both the WSBA staff and committee members, by having more variable in the timing of the annual meeting. This update was discussed with both Carolyn MacGregor and the Business Law Committee during our Executive Meetings and over emails. All parties agreed that was in the best interest of the Section to allow more flexibility in the timing to encourage all Committees to have the opportunity to hold an annual meeting.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

Risk analysis provided in 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 to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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.

There do not appear to be any concerns about inequitable outcomes associated with the annual meeting dates. Studies and reports show that privacy issues disproportionately impact marginalized communities. With the Privacy Committee becoming permanent, the Business Law Section could continue to support the Privacy Committee and potentially advance equity in this area.

Attachments:

Redline of Business Law Section Bylaw Changes

Clean Version of Business Law Section Bylaw Changes

WASHINGTON STATE BAR ASSOCIATION

BUSINESS LAW SECTION

Bylaws

As amended and/or restated on May 31, 1986; April 22, 1989;
June 11, 1994; June 3, 2000; July 23, 2010; and July 27, 2017.

ARTICLE 1. IDENTIFICATION

1.1. Creation

The Business Law Section of the Washington State Bar Association (hereinafter referred to as the "Section") was established pursuant to the Bylaws of the Washington State Bar Association (hereinafter referred to as the "Bar").

1.2. Purpose

The purpose of the Section shall be to benefit the members of the Section and their clients:

(a) By encouraging research and study, and the development of best practices, in the area of business law in the State of Washington, and sharing these efforts through continuing legal education where possible and appropriate;

(b) By participating in the development of state legislation and regulations in order to improve and facilitate the administration of justice in the area of business law; and

(c) By undertaking such other services relating to the area of business law as may be of benefit to members of the Section, members of the Bar and the greater public.

1.3. Limitations

These bylaws have been adopted subject to applicable Washington statutes and the Bylaws of the Bar.

1.4. Principal Office

The principal office of the Section shall be maintained at the offices of the Bar.

1.5. Fiscal Year

The fiscal year of the Section shall coincide with that of the Bar.

**ARTICLE 2.
MEMBERSHIP**

2.1. Enrollment

Any of the following may be enrolled as voting members of the Section upon application and payment of annual Section dues in such amounts set by the Section and approved by the Board of Governors of the Bar (such individuals, "Voting Members"): (i) active members of the Bar in good standing, including lawyers, limited practice officers and limited license legal technicians, (ii) Active members of the state or federal judiciary within the State of Washington, (iii) professors, assistant professors, associate professors, instructors and other faculty members of accredited law schools within the State of Washington, and (iv) such other individuals as the executive committee shall permit on a case-by-case basis, subject to the requirements of the Bar. Individuals that do not qualify in any of the foregoing categories may be enrolled as non-voting members upon application and payment of annual Section dues in such amounts set by the Section and approved by the Bar (such individuals, "Non-voting Members" and, collectively with the Voting Members, the "Members"). Non-voting Members may not hold any Section office.

2.2. The Membership

Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.

2.3. Dues

Member dues in the amount determined by the Section and approved by the Bar shall be paid annually in advance or as otherwise agreed to by the Section and the Bar. Any person who shall have failed to pay the annual dues when required shall cease to be a member of the Section. With the exception of law students, the Section dues for Non-voting Members shall be the same amount as that established for Voting Members. The Section dues for law students shall be set annually by the Board of Governors of the Bar, in an amount no greater than the dues charged to law students by any other section of the Bar.

**ARTICLE 3.
MEETINGS OF THE MEMBERSHIP**

3.1. Annual Meeting

The annual meeting of the Section shall be held ~~in the month of April or May~~ in each year on a date and at a time and place designated by the Chair. The Chair shall cause notice of the annual meeting to be provided to all Members of the Section at least ten (10) days prior to the meeting. For the avoidance of doubt, electronic notice, including through the Bar's website, shall be sufficient for these purposes.

3.2. Other Meetings

Meetings of the membership of the Section, other than annual meetings, may be called by any Officer, at such time and place as such Officer may determine, upon seven (7) days' prior notice to the Members. For the avoidance of doubt, electronic notice, including through the Bar's website, shall be sufficient for these purposes. Such notice shall contain a summary of the business to be transacted at such meeting.

3.3. Controlling Vote

A majority vote of the Members present at any annual or other meeting of the Section shall be necessary and sufficient to approve any business brought before such meeting. Members may participate in any meeting in person or electronically, as permitted by the Bar. Members participating in this fashion are deemed to be present at the meeting.

**ARTICLE 4.
THE EXECUTIVE COMMITTEE**

4.1. Powers and Duties

Except as reserved to the Members, the executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section in accordance with these bylaws and the Bylaws of the Bar.

4.2. Composition

The executive committee shall be composed of the following persons, each of whom shall be a voting member of the executive committee unless otherwise specified:

- (a) the Officers;
- (b) the person having served as Chair in the immediately preceding term (the "Immediate Past Chair"), who shall be a non-voting member of the executive committee;
- (c) the chair or co-chairs of each permanent and ad hoc committee during the term of such committee;
- (d) up to two (2) members at large;
- (e) the designated liaison from the Washington Young Lawyers Committee (the "WYLC Liaison"); and
- (f) such other persons appointed to the executive committee by the Chair of the Section with the consent of the executive committee, who shall be non-voting members of the executive committee except to the extent otherwise specified by the executive committee and consistent with the Bylaws of the Bar.

4.3. Term

The term of the WYLC Liaison shall be two (2) years. The term for all other positions on the executive committee shall be one (1) year. Each term shall be beginning on October 1 of the year of election or such other date as mandated by the Bar. In the event no successor for an executive committee member is elected or appointed at the end of the applicable term, the sitting executive committee member will continue to serve in such capacity until the earlier of: (i) such individual's resignation, (ii) the election or appointment of a successor, (iii) the elimination of such position in accordance with these bylaws and the Bylaws of the Bar.

4.4. Controlling Vote

A majority of the voting members of the executive committee shall constitute a quorum at all meetings of the executive committee. When a quorum is present at any meeting of the executive committee, any decision of the executive committee shall be determined by a majority vote of the executive committee members present; provided, that any action (other than taking no position) with respect to proposed legislation shall require the affirmative vote of at least seventy-five percent (75%) of all voting members of the executive committee (or such different percentage as may be required from time to time by the Bar).

4.5. Meetings

Meetings of the executive committee may be held at such times and places as designated by the Chair or a majority of the executive committee, in such fashion as permitted by the Board of Governors. The executive committee shall be expected to conduct a minimum of four (4) meetings annually. Members may participate in person, by videoconference and/or teleconference or by any other means permitted by the Board of Governors. Members participating in this fashion are deemed to be present at the meeting.

**ARTICLE 5.
OFFICERS**

5.1. Officers

The officers of the Section shall be the Chair, the Chair-Elect, the Treasurer and the Secretary (collectively, the "Officers").

5.2. Removal

Any Officer, committee chair, or other member of the executive committee may be removed by a two-third (2/3) majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interests of the Section Membership.

5.3. Chair

The Chair will preside at all meetings of the Section and executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and these bylaws.

5.4. Chair-Elect

The Chair-Elect will be in charge of, and have overall responsibility, for continuing legal education programs and seminars, including any programs or seminars offered in connection with the annual meeting of the Section, and perform such additional duties as may be assigned to him or her by the Chair or by the executive committee. The Chair-Elect shall perform all of the duties of the Chair in the absence or inability to act of the Chair.

Although election to the office of Chair requires the affirmative vote of the Members, the Chair-Elect will be expected to be nominated for the position of Chair at the election following his or her election as Chair-Elect.

5.5. Treasurer

The Treasurer will work with the Bar to ensure that the Section complies with Bar fiscal policies and procedures, work with the Bar to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget. Further, the Treasurer will perform any additional duties incident to the office of Treasurer as may, from time to time, be assigned to him or her by the Chair or the executive committee, consistent with the Bar's policies and procedures.

Although election to the office of Chair-Elect requires the affirmative vote of the Members, the Treasurer will be expected to be nominated for the position of Chair-Elect at the election following his or her election as Treasurer.

5.6. Secretary

The Secretary will take minutes at each meeting of the Section and executive committee, and provide approved minutes to the Bar for publication and record retention. Further, the Secretary will perform any additional duties incident to the office of Secretary as may, from time to time, be assigned to him or her by the Chair or the executive committee, consistent with the Bar's policies and procedures.

Although election to the office of Secretary requires the affirmative vote of the Members, the Secretary will be expected to be nominated for the position of Treasurer at the election following his or her election as Secretary.

ARTICLE 6. ELECTIONS AND APPOINTMENTS

6.1. Elections

All voting members of the executive committee, including the Chair, Chair-Elect, Treasurer and Secretary shall be elected annually (or in the case of the WYLC Liaison, appointed every two years) in the manner prescribed by the Bar or, upon reasonable notice to the Members with all pertinent details, by such alternative, equivalent election process determined by the executive committee and administered by the Section, consistent with the requirements of the Bar.

6.2. Members at Large

Members at large to the executive committee shall be nominated and elected as voting members of the executive committee to represent the general interests of the Section membership, with a view towards diversity and broad geographical representation on the executive committee.

6.3. Nominations

A nominating committee, consisting of (i) the Chair, (ii) the Chair-Elect and/or the Immediate Past Chair, and (iii) if reasonably possible, at least one person who is not then a member of the executive committee, shall nominate one or more persons for each of the elected positions on the executive committee and shall make a report of those nominations at the annual meeting of the Section. Each permanent and existing ad hoc committee will be expected to provide the nominating committee with its selection for chair or co-chairs of such committee. Other nominations for the same positions, whether self-nominations or nominations for others, may be made by anyone participating at the annual meeting of the Section, provided that such nominees are, both at the time of nomination and for a continuous period of one year prior to the nomination, Voting Members of the Section.

6.4. Appointments

Those positions on the executive committee which are not filled as otherwise set forth in these bylaws shall be filled by appointment by the Chair with the consent of the executive committee, consistent with the requirements of the Bylaws of the Bar.

6.5. Vacancy

Vacancy of any position on the executive committee shall be filled by appointment by the Chair, subject to the majority vote of the executive committee, for the unexpired portion of the term.

**ARTICLE 7.
COMMITTEES**

7.1. Permanent Committees

The following permanent committees are hereby established:

- (a) Corporate Act Revision Committee;
- (b) Financial Institutions Committee;
- (c) Law of Commerce in Cyberspace Committee;
- (d) Non-profit Corporations Committee;
- (e) Partnership and LLC Law Committee;
- (f) Communications Committee;
- (g) Securities Law Committee;
- ~~(h)~~ Uniform Commercial Code Committee; ~~and~~
- ~~(i)~~ Legal Opinions Committee; ~~and~~
- (j) Privacy Committee.-

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7.2. Other Committees

The Chair, with the approval of the executive committee, may from time to time authorize the creation of additional permanent or ad hoc committees and appoint members thereof.

**ARTICLE 8.
AMENDMENT**

These bylaws may be amended at any meeting of the Section or of the executive committee. No amendment to these bylaws shall become effective until approved by the Board of Governors of the Bar.

WASHINGTON STATE BAR ASSOCIATION

BUSINESS LAW SECTION

Bylaws

As amended and/or restated on May 31, 1986; April 22, 1989;
June 11, 1994; June 3, 2000; July 23, 2010; and July 27, 2017.

ARTICLE 1. IDENTIFICATION

1.1. Creation

The Business Law Section of the Washington State Bar Association (hereinafter referred to as the “Section”) was established pursuant to the Bylaws of the Washington State Bar Association (hereinafter referred to as the “Bar”).

1.2. Purpose

The purpose of the Section shall be to benefit the members of the Section and their clients:

(a) By encouraging research and study, and the development of best practices, in the area of business law in the State of Washington, and sharing these efforts through continuing legal education where possible and appropriate;

(b) By participating in the development of state legislation and regulations in order to improve and facilitate the administration of justice in the area of business law; and

(c) By undertaking such other services relating to the area of business law as may be of benefit to members of the Section, members of the Bar and the greater public.

1.3. Limitations

These bylaws have been adopted subject to applicable Washington statutes and the Bylaws of the Bar.

1.4. Principal Office

The principal office of the Section shall be maintained at the offices of the Bar.

1.5. Fiscal Year

The fiscal year of the Section shall coincide with that of the Bar.

**ARTICLE 2.
MEMBERSHIP**

2.1. Enrollment

Any of the following may be enrolled as voting members of the Section upon application and payment of annual Section dues in such amounts set by the Section and approved by the Board of Governors of the Bar (such individuals, "Voting Members"): (i) active members of the Bar in good standing, including lawyers, limited practice officers and limited license legal technicians, (ii) Active members of the state or federal judiciary within the State of Washington, (iii) professors, assistant professors, associate professors, instructors and other faculty members of accredited law schools within the State of Washington, and (iv) such other individuals as the executive committee shall permit on a case-by-case basis, subject to the requirements of the Bar. Individuals that do not qualify in any of the foregoing categories may be enrolled as non-voting members upon application and payment of annual Section dues in such amounts set by the Section and approved by the Bar (such individuals, "Non-voting Members" and, collectively with the Voting Members, the "Members"). Non-voting Members may not hold any Section office.

2.2. The Membership

Members enrolled as provided in Section 2.1 shall constitute the membership of the Section.

2.3. Dues

Member dues in the amount determined by the Section and approved by the Bar shall be paid annually in advance or as otherwise agreed to by the Section and the Bar. Any person who shall have failed to pay the annual dues when required shall cease to be a member of the Section. With the exception of law students, the Section dues for Non-voting Members shall be the same amount as that established for Voting Members. The Section dues for law students shall be set annually by the Board of Governors of the Bar, in an amount no greater than the dues charged to law students by any other section of the Bar.

**ARTICLE 3.
MEETINGS OF THE MEMBERSHIP**

3.1. Annual Meeting

The annual meeting of the Section shall be held each year on a date and at a time and place designated by the Chair. The Chair shall cause notice of the annual meeting to be provided to all Members of the Section at least ten (10) days prior to the meeting. For the avoidance of doubt, electronic notice, including through the Bar's website, shall be sufficient for these purposes.

3.2. Other Meetings

Meetings of the membership of the Section, other than annual meetings, may be called by any Officer, at such time and place as such Officer may determine, upon seven (7) days' prior notice to the Members. For the avoidance of doubt, electronic notice, including through the Bar's website, shall be sufficient for these purposes. Such notice shall contain a summary of the business to be transacted at such meeting.

3.3. Controlling Vote

A majority vote of the Members present at any annual or other meeting of the Section shall be necessary and sufficient to approve any business brought before such meeting. Members may participate in any meeting in person or electronically, as permitted by the Bar. Members participating in this fashion are deemed to be present at the meeting.

ARTICLE 4. THE EXECUTIVE COMMITTEE

4.1. Powers and Duties

Except as reserved to the Members, the executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section in accordance with these bylaws and the Bylaws of the Bar.

4.2. Composition

The executive committee shall be composed of the following persons, each of whom shall be a voting member of the executive committee unless otherwise specified:

- (a) the Officers;
- (b) the person having served as Chair in the immediately preceding term (the “Immediate Past Chair”), who shall be a non-voting member of the executive committee;
- (c) the chair or co-chairs of each permanent and ad hoc committee during the term of such committee;
- (d) up to two (2) members at large;
- (e) the designated liaison from the Washington Young Lawyers Committee (the “WYLC Liaison”); and
- (f) such other persons appointed to the executive committee by the Chair of the Section with the consent of the executive committee, who shall be non-voting members of the executive committee except to the extent otherwise specified by the executive committee and consistent with the Bylaws of the Bar.

4.3. Term

The term of the WYLC Liaison shall be two (2) years. The term for all other positions on the executive committee shall be one (1) year. Each term shall be beginning on October 1 of the year of election or such other date as mandated by the Bar. In the event no successor for an executive committee member is elected or appointed at the end of the applicable term, the sitting executive committee member will continue to serve in such capacity until the earlier of: (i) such individual’s resignation, (ii) the election or appointment of a successor, (iii) the elimination of such position in accordance with these bylaws and the Bylaws of the Bar.

4.4. Controlling Vote

A majority of the voting members of the executive committee shall constitute a quorum at all meetings of the executive committee. When a quorum is present at any meeting of the executive committee, any decision of the executive committee shall be determined by a majority vote of the executive committee members present; provided, that any action (other than taking no position) with respect to proposed legislation shall require the affirmative vote of at least seventy-five percent (75%) of all voting members of the executive committee (or such different percentage as may be required from time to time by the Bar).

4.5. Meetings

Meetings of the executive committee may be held at such times and places as designated by the Chair or a majority of the executive committee, in such fashion as permitted by the Board of Governors. The executive committee shall be expected to conduct a minimum of four (4) meetings annually. Members may participate in person, by videoconference and/or teleconference or by any other means permitted by the Board of Governors. Members participating in this fashion are deemed to be present at the meeting.

ARTICLE 5. OFFICERS

5.1. Officers

The officers of the Section shall be the Chair, the Chair-Elect, the Treasurer and the Secretary (collectively, the "Officers").

5.2. Removal

Any Officer, committee chair, or other member of the executive committee may be removed by a two-third (2/3) majority vote of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interests of the Section Membership.

5.3. Chair

The Chair will preside at all meetings of the Section and executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and these bylaws.

5.4. Chair-Elect

The Chair-Elect will be in charge of, and have overall responsibility, for continuing legal education programs and seminars, including any programs or seminars offered in connection with the annual meeting of the Section, and perform such additional duties as may be assigned to him or her by the Chair or by the executive committee. The Chair-Elect shall perform all of the duties of the Chair in the absence or inability to act of the Chair.

Although election to the office of Chair requires the affirmative vote of the Members, the Chair-Elect will be expected to be nominated for the position of Chair at the election following his or her election as Chair-Elect.

5.5. Treasurer

The Treasurer will work with the Bar to ensure that the Section complies with Bar fiscal policies and procedures, work with the Bar to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget. Further, the Treasurer will perform any additional duties incident to the office of Treasurer as may, from time to time, be assigned to him or her by the Chair or the executive committee, consistent with the Bar's policies and procedures.

Although election to the office of Chair-Elect requires the affirmative vote of the Members, the Treasurer will be expected to be nominated for the position of Chair-Elect at the election following his or her election as Treasurer.

5.6. Secretary

The Secretary will take minutes at each meeting of the Section and executive committee, and provide approved minutes to the Bar for publication and record retention. Further, the Secretary will perform any additional duties incident to the office of Secretary as may, from time to time, be assigned to him or her by the Chair or the executive committee, consistent with the Bar's policies and procedures.

Although election to the office of Secretary requires the affirmative vote of the Members, the Secretary will be expected to be nominated for the position of Treasurer at the election following his or her election as Secretary.

ARTICLE 6. ELECTIONS AND APPOINTMENTS

6.1. Elections

All voting members of the executive committee, including the Chair, Chair-Elect, Treasurer and Secretary shall be elected annually (or in the case of the WYLC Liaison, appointed every two years) in the manner prescribed by the Bar or, upon reasonable notice to the Members with all pertinent details, by such alternative, equivalent election process determined by the executive committee and administered by the Section, consistent with the requirements of the Bar.

6.2. Members at Large

Members at large to the executive committee shall be nominated and elected as voting members of the executive committee to represent the general interests of the Section membership, with a view towards diversity and broad geographical representation on the executive committee.

6.3. Nominations

A nominating committee, consisting of (i) the Chair, (ii) the Chair-Elect and/or the Immediate Past Chair, and (iii) if reasonably possible, at least one person who is not then a member of the executive committee, shall nominate one or more persons for each of the elected positions on the executive committee and shall make a report of those nominations at the annual meeting of the Section. Each permanent and existing ad hoc committee will be expected to provide the nominating committee with its selection for chair or co-chairs of such committee. Other nominations for the same positions, whether self-nominations or nominations for others, may be made by anyone participating at the annual meeting of the Section, provided that such nominees are, both at the time of nomination and for a continuous period of one year prior to the nomination, Voting Members of the Section.

6.4. Appointments

Those positions on the executive committee which are not filled as otherwise set forth in these bylaws shall be filled by appointment by the Chair with the consent of the executive committee, consistent with the requirements of the Bylaws of the Bar.

6.5. Vacancy

Vacancy of any position on the executive committee shall be filled by appointment by the Chair, subject to the majority vote of the executive committee, for the unexpired portion of the term.

ARTICLE 7. COMMITTEES

7.1. Permanent Committees

The following permanent committees are hereby established:

- (a) Corporate Act Revision Committee;
- (b) Financial Institutions Committee;
- (c) Law of Commerce in Cyberspace Committee;
- (d) Non-profit Corporations Committee;
- (e) Partnership and LLC Law Committee;
- (f) Communications Committee;
- (g) Securities Law Committee;
- (h) Uniform Commercial Code Committee;
- (i) Legal Opinions Committee; and
- (j) Privacy Committee.

7.2. Other Committees

The Chair, with the approval of the executive committee, may from time to time authorize the creation of additional permanent or ad hoc committees and appoint members thereof.

ARTICLE 8. AMENDMENT

These bylaws may be amended at any meeting of the Section or of the executive committee. No amendment to these bylaws shall become effective until approved by the Board of Governors of the Bar.

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

TO: WSBA Board of Governors
FROM: Nicole Gustine, Assistant General Counsel
DATE: August 6, 2024
RE: Confidentiality of Client Protection Board Recommendations

The Board of Governors (BOG) is responsible for approving gifts from the Client Protection Board. Per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)). As such, the recommendations are placed on the Consent Calendar. If discussion is requested by any Governor, it shall be taken up in Executive Session.

APR 15
CLIENT PROTECTION FUND PROCEDURAL REGULATIONS
REGULATION 13. CONFIDENTIALITY

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting.

Pursuant to ELC 3.4(l), the Chief Disciplinary Counsel has authorized the release of otherwise confidential disciplinary information to the Board of Governors for the purpose of reviewing and deciding on Client Protection Fund Board recommendations. The Board of Governors is advised of its obligation to maintain the confidentiality of these materials.

Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.



WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
 FROM: Sunitha Anjilvel, WSBA President
 RE: 2024-2025 Chair Appointments
 DATE: August 21, 2024

Consent: Appointment of the 2024-2025 WSBA committee and board chairs listed below.

The WSBA has a number of standing committees that are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. Pursuant to the WSBA Bylaws, IX(B)(1)(c), the President-elect annually selects the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection. Below is the slate of WSBA committee chairs for the 2024-2025 year. The candidates' resumes are attached. All eligible members of the committees listed below were encouraged to apply for the Chair position. Additional Chair appointments forthcoming.

| Committee/Board | Recommended for Appointment |
|--------------------------------------|----------------------------------|
| Character and Fitness Board | Vice-Chair: Craig Diamond |
| Court Rules and Procedures Committee | Chair: Michael Chait |
| Editorial Advisory Committee | Chair: Benjamin Gould |
| Washington Young Lawyers Committee | Chair-elect: Alexander Reaganson |

Craig A. Diamond
Curriculum Vitae

Craig A. Diamond has tried cases throughout the State of California during his more than three decades of practicing law. He has tried brain damage, wrongful death, traumatic amputations, products and premises liability cases, large value construction defect cases as well as commercial matters for both plaintiffs and defendants. He has also appeared before the California First and Third District Courts of Appeal, the Ninth Circuit Court of Appeals and before the United States Supreme Court.

Some of Craig's litigation accomplishments consist of, but not limited to

- Appearance before the United State Supreme Court with a favorable 9-0 ruling.
- 55.3 million bad faith verdict for client.
- 1.3 million fraud verdict for client.
- 6.8 million brain injury verdict for client.
- Slip and Fall brain injury defense verdict for client.
- 5.9 million Jury Verdict for Wrongful Termination
- Traumatic amputation defense verdict for client.

Craig was also a firefighter for 15 years, and a fire investigator for 12 years. He was voted Firefighter of the year in 1996. His motto: I learned my courtroom composure at the nozzle of a hose in the middle of a burning building... if you can stay composed there, the courtroom is a breeze.

During his spare time, he is a sports enthusiast, currently trying to learn the proper game of golf. He also enjoys woodworking, working on the property while tending to his horses, and, of course, the dogs. Though less active than when he rowed on the CLA Crew, he still enjoys rowing on his ergonomic machine, watching sports and participating when he can.

Craig is A-V Rated by the peer reviewed Martindale-Hubbell publication.

He is also a member of the American Board of Trial Advocates an approved Mediator for the Third District Court of Appeal and an approved Settlement Judge Pro Tem for the Sacramento County Superior Court.

ADMISSIONS:

California, Washington and New York State Bars, all United States District Courts in California, United States Ninth Circuit Court of Appeals, United States Supreme Court.

EDUCATION:

J.D. 1979, Hastings College of the Law, University of California San Francisco, California.
B.A. 1976, University of California at Davis

COMMUNITY SERVICES:

Mediator, Volunteer, Third District Court of Appeals
Judge *Pro Tem*, Sacramento County Courts.
Judge *Pro Tem*, Nevada County Courts.
Judge *Pro Tem*, Placer County Courts.
Founding Fellow, Foundation of the State Bar of California.
Formerly Board of Directors - Nevada County Legal Assistance.
Formerly Board of Directors – Lawyer Referral Service of Northern California
Formerly Committee of Bar Examiners of the State Bar of California - Vice Chairman of Ethics Subcommittee.
California State Fire Marshall Certified Fire Origin and Cause Investigator
Formerly Grass Valley Volunteer Firefighter
Pro bono service to local Domestic Violence and Sexual Assault Coalition 20 years
Pro bono service to local Women of Worth resource.

Contact Information:

Craig A. Diamond
Diamond Baker Mitchell Cole, LLP
149 Crown Point Court, Suite B
Grass Valley, CA 95945
Ofc: (530) 272-9977 ext. 201
[REDACTED]

cdiamond@diamondbaker.com

Alexander R. Reaganson, WSBA 59365

██████████ Spokane, WA 99201
alexander.reaganson@nwjustice.org ██████████

August 14, 2024

Washington State Bar Association
Board of Governors
1325 Fourth Ave, Suite 600
Seattle, WA 98104

To Whom It May Concern:

My name is Alex Reaganson, and I'm currently a member of the Washington Young Lawyers Committee (WYLC), the Pro Bono and Public Service Committee, all while working as a Staff Attorney at Northwest Justice Project. My continued commitment to creating a more equitable and just world have now led to me to throw in my hat for Chair-Elect of the WYLC. Having spent the past year attending meetings, events, and even leading one of the few projects we've handled this past year, I'd like the opportunity to work towards expanding and improving the committee's work as Chair-Elect.

My work with the WYLC, so far, has primarily focused on Board of Governor's Liaison nominations and leading the efforts around the 2024 Public Service Leadership Award. Through the latter, my networking with the Pro Bono Public Service Committee and Northwest Justice Project's email listservs lead to the most nominations the committee has received in recent memory. Additionally, I was one of two committee members who helped staff and attended the Post-Bar Social the committee put on, in partnership with both Pierce County and King County Bar Associations.

Outside of the WYLC, I've had the pleasure to help organize, moderate, and present at panels/CLEs through my position here at Northwest Justice Project. Additionally, through college internships, AmeriCorps deployments, and other volunteer opportunities, I have experience in volunteer coordination, event logistics, and a vast and wide-ranging network that came be used to benefit the committee and WSBA as a whole.

Currently, young lawyers are still getting used to what life as an attorney is like. We are just now shaking off the fog of COVID, getting our footing, and stepping back up to get to work. The WYLC is no exception. I'd like to think my engagement with the committee, skills, and previous experience show that I'm ready to take on this role and show that we're back and ready to support our newer attorneys. In the meantime, I am just incredibly grateful to be considered. I thank you all for your time and consideration, and I look forward to hearing back regarding this positions.

Sincerely,



Alexander R. Reaganson

Alexander R. Reaganson, WSBA 59365

██████████ Spokane, WA 99201

alexander.reaganson@nwjustice.org ██████████

EDUCATION

Gonzaga University School of Law Spokane, WA

Juris Doctor, May 2021. *Pro Bono Distinction, Gold Level (200-300 hours)*

- Student Bar Association: Parliamentarian (2020-21), 1L Representative (2018-19)
 - SBA Representative on Academic Affairs Faculty Committee (2020-2021).
- Student Position: Sustainability Graduate Assistant, November 2018-May 2021.
 - Position duties include: internal/external stakeholder engagement, staffing and networking between university committees, conducting policy analysis on laws that might affect university operations, and managing the university triennial AASHE STARS rating submission in 2020.

Arizona State University Tempe, A

Bachelor of Arts, Sustainability; Minors: History/Political Science, August 2016

Undergraduate Certificate: Political Thought & Leadership, May 2016

- Walton Global Sustainability Scholar

PROFESSIONAL EXPERIENCE

Northwest Justice Project- Native American Unit Spokane, WA

Staff Attorney (East+), August 2021-Present

- Providing meaningful legal assistance to low-income Native American clients in both state and tribal courts, including Spokane, Nooksack, Kalispel, and Yakama Tribal Courts.
- Representing client across criminal re-entry, landlord/tenant, housing, and family law practice areas in both state and tribal courts.
- Engaging with the client community to understand the legal needs and issues affecting the community, both on and off the reservation.

University Legal Assistance Spokane, WA

Law Clerk, General Public Practice/Tribal Law Clinic, May 2019-May 2020

- Provided competent legal services to Inland Northwest tribal members.
- Represented clients across criminal, family, probate, and administrative practice areas.
- Prepared motions and orders and arguing them at pre-trial and hearings in tribal court.
- Argued and succeeded in a case of first impression regarding subpoena enforcement.
- Registered Spokesperson in Kalispel, Spokane, and Coeur d'Alene Tribal Bar Assoc.

Federal Emergency Management Agency (FEMA) Multiple Locations

Reservist, Environmental Specialist, April 2017-September 2018

- Coordinated with mission areas and local governments to complete recovery projects.
- Ensured project compliance with relevant laws, regulations, and executive orders.
- Addendum describing individual deployment duties available upon request.

Alexander R. Reaganson, WSBA 59365

██████████ Spokane, WA 99201

alexander.reaganson@nwjustice.org ██████████

AmeriCorps NCCC – FEMA Corps

Multiple Locations

Team Member – External Affairs Specialist, Assistant Team Leader, July 2016-April 2017

- Coordinated with mission areas and local governments to ensure relevancy communication with internal and external stakeholders.
- Assisted Regional Incident Management Assistance Teams in relevant external affairs projects including digital media, congressional research, research and updates to best practices within the region.
- Addendum describing individual deployment duties available upon request.

MEMBERSHIPS & ADMISSIONS

Washington State Bar Association, Bar Number #59365

- *Sections:*
 - WSBA Indian Law Section
 - Washington Young Lawyers Division
- *Committees:*
 - Member, Pro Bono Public Service Comm. *Term:* October 2023-Present
 - Member, Washington Young Lawyers Comm. *Term:* October 2023-Present
 - Team Lead: Public Service Leadership Award 2024 Award Season.

Northwest Indian Bar Association, Member

Tribal Court Admissions:

- Kalispel Tribal Court, KTC 210- Active member since July 2019
- Spokane Tribal Court- Active member since Sept. 2019
- Coeur d’Alene Tribal Court- Active member since Sept. 2019
- Nooksack Tribal Court- Active member since Sept. 2022
- Yakama Tribal Court- Active member since June 2023

SELECT AWARDS

The Congressional Award, Bronze Level, April 2017

The President’s Volunteer Service Award, Gold Medal, April 2017

Chapter Distinguished Service Key, Alpha Phi Omega – National Service Fraternity.

Information on research, trainings, and presentations can be found on the next pages

Alexander R. Reaganson, WSBA 59365

██████████ Spokane, WA 99201

alexander.reaganson@nwjustice.org ██████████

ACADEMIC RESEARCH

Published Articles:

- Alexander R. Medina, *Enforcement of Tribal Witness Subpoenas on Non-Indians: How the UCCJEA Provides for the Impossible*, 14 L. J. SOC. J. ST. 116-129 (2021)

Internal Publications:

- Gonzaga University Office of Sustainability, *Implications of the Washington Clean Energy Transformation Act on Gonzaga University*. Developed for Gonzaga University's Administration and CREATE Committee. (2019)

PRESENTATION EXPERIENCE

Presenter/Trainer:

- *An Assortment of Compelling Idiosyncrasies in Tribal Housing Cases*
Washington Legal Aid Native American Task Force, May 2023 Meeting
 - “*What happens when everyone knows each other?*”: This training was focused on highlighting a previous case of mine and similar situations where interpersonal relationships and related issues might interfere and/or be the basis for a tribal housing eviction.

Facilitator/Moderator:

- *Establishing and Maintaining Pro Bono Legal Clinics that Benefit Indian Country*
Washington Legal Aid Native American Task Force, October 2023 Meeting.
 - This training, in partnership with Judge Tom Tremaine, Stacey Lara, Joshua Williams, and Deborah Ost, was a A style panel, prefaced by highlighting the under-representation of Native individuals in tribal court. The panel focused on establishment, operation, and benefits of Native-focused legal clinics in the State of Washington.

SELECT TRAINING

Emergency Management Institute, Professional Development Series. May 2017;

Continuing Legal Education:

- *Legislative & Rulemaking Advocacy*, Northwest Justice Project, December 2023
- *Serving Clients w/ Different Abilities*, Northwest Justice Project, October 2023
- *Understanding the Law of Privileges*, Northwest Justice Project, June 2023
- *35th Annual Indian Law CLE*, Schwabe, Williamson Wyatt, May 2023
- *Oral Advocacy – Preparing for a “conversation with the Court.”* Northwest Justice Project, March 2023
- *LitKit: Trauma-Informed Care (TIC) Introduction & Basic Concepts*, October 2022
- *Advancing Race Equity in Spokane’s Legal Community*, August 2022

August 8, 2024

VIA EMAIL/PDF

Board of Governors
Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle, WA 98101

Re: Application of Michael Chait to chair the WSBA Court Rules and
Procedures Committee

Dear Acting President Anjilvel and members of the Board of Governors:

This letter serves as my application to continue serving as Chair of the Court Rules and Procedures Committee for the 2024-2025 term.

I have long been a strong proponent of the importance of procedural and evidentiary rules as a vehicle to ensure open access to the courts and an even playing field for all litigants. Over the past year, I served as chair of the WSBA Court Rules and Procedures Committee, and previously chaired the Evidence Rules subcommittee. In addition, I have served as the chair of the WDTL Rules Committee since 2019, and have been active in rules and procedures workgroups well before that. In 2018, I served on the Jury Diversity Task Force of the Washington State Minority and Justice Commission (on behalf of WDTL) and have authored many analyses and position papers on proposed changes to rules.

More than anything, I take pride in seeking to find common ground among diverse stakeholders to identify areas where we all believe change is required, and working to find language that facilitates those goals while ensuring equity and fairness and minimizing unintended consequences.

It was an honor this year to serve on as chair of the WSBA Court Rules and Procedures Committee. This role afforded me the chance to give back to the legal community and the clients we all serve, and to engage with colleagues from diverse areas of practice. Through this application, I hope to have the chance to further contribute to my colleagues in the Bar, to the profession, and to the community we serve. I appreciate your consideration.

FENNEMORE.

Board of Governors
August 8, 2024
Page 2

Sincerely,

FENNEMORE CRAIG, P.C.

A handwritten signature in blue ink, appearing to read "Michael E. Chait". The signature is stylized and cursive.

Michael E. Chait

Michael Chait

EXPERIENCE

Fennemore Craig PC (formerly Savitt Bruce & Willey LLP)

Seattle, WA

Of Counsel

April 2022 – Present

Focusing on complex commercial litigation with an emphasis on intellectual property, business divorce, employment litigation, transportation, and catastrophic injury.

- Execution of litigation strategies designed to ensure business goals of clients are met and exceeded.
- Extensive experience in comprehensive motion practice in high-conflict disputes, proactively framing and narrowing disputes to key triable issues.
- First chair trial experience resulting in wins for our clients in courts, arbitration, and administrative proceedings.
- Comprehensive advice and counsel regarding risk analysis and profiling, litigation avoidance, legislative action, and employment.

Montgomery Scarp & Chait PLLC

Seattle, WA

Managing Member

February 2015 – March 2022

Lead counsel and managing member in boutique litigation firm focused on general and complex civil litigation with an emphasis on transportation industry claims (FELA, FRSA, RLA), employment litigation, business disputes, tort defense, real estate and land use, intellectual property, and contract disputes.

- Successfully developed trial and appellate strategies resulting in numerous victories for clients at and after trial, as well as through negotiated settlements.
- First chair trial experience resulting in wins for our clients in courts, arbitration, and administrative proceedings.
- Developed strategic issues of first impression and successfully presented through appeal to make law furthering clients' interests.
- Obtained numerous pretrial dismissals on Rule 12 motions, summary judgment motions, and forced voluntary dismissals.
- Provided targeted advice and counsel on diverse issues of prelitigation strategy, employment issues, preemption, regulatory compliance and policy, privacy, among countless others.

Mitchell, Silberberg & Knupp LLP

Los Angeles, CA

Senior Litigation Associate

Summer 2005, September 2006 – February 2015

Contributed to all stages of litigation in thriving and varied litigation practice group, with emphasis on commercial, antitrust, trade secret, employment, intellectual property, privacy, business torts, and class action defense.

- Drafted and argued a full range of pre- and post-trial motions in complex domestic and international business disputes in both federal and state courts.
- Served as trial counsel in various judicial and non-judicial forums, resulting in numerous defense victories.
- Provided advice and counsel to clients on a wide array of issues including competition, privacy, intellectual property, procedural practice, and regulatory compliance.
- Oversaw and participated in complex e-discovery matters.
- Developed relationships and cross-departmental business opportunities as inaugural member of MSK Fashion Practice Group.
- Generated firm goodwill through targeted pro bono and board service.

United States District Court for the Eastern District of New York

Brooklyn, NY

Extern for the Honorable Frederic Block

Summer 2004

Amster, Rothstein & Ebenstein

New York, NY

Litigation Paralegal for Patent Practice

October 2002 – June 2003

EDUCATION

University of Southern California Law School

Juris Doctor, May 2006

GPA: 3.497

Honors: SC Merit Scholarship, Review of Law and Social Justice: Staff (2004-2005), Production Editor (2005-2006).

Honors Grades: Business Organizations, Civil Procedure, Constitutional Law I, Constitutional Law II, Contracts, Criminal Law, Evidence, Entertainment Law, Gifts, Wills and Trusts, Internet Law, Legal Issues in the Music Industry, Remedies, Special Ed and Disability Discrimination, Torts.

Activities: Legal Aid Foundation of Los Angeles, Expulsion Defense Project Volunteer (2004) Research Assistant to Professor Ariela Gross (2005) Intern, ACL of Southern California (2006).

University of Washington

Bachelor of Arts, *Cum Laude*, Communications, June 2000

GPA: 3.78

Honors: Phi Beta Kappa, SRowing Academic All American (1998), Pac-10 Academic All-Conference (1999, 2000), Scholar Athlete Award (1998, 2000), Pac-10 Post Graduate Scholarship (2000), Chuck Holtz Scholarship (1998).

Activities: Varsity Rowing: National Champion (1997), Captain (2000), .S. nder-23 Team (1998)

BAR ADMISSIONS AND OTHER AFFILIATIONS

Washington Bar: Admitted to all state courts in Washington, to the Federal District Court for the Western and Eastern Districts of Washington, and to the Ninth Circuit Court of Appeals.

California Bar: Admitted to all state courts in California and to the Federal District Court for the Central, Southern, and Northern Districts of California.

Washington State Minority and Justice Commission: Jury Diversity Task Force.

Washington Trial Defense Lawyers: Board of Trustees Chair, Rules Committee.

Washington State Bar Association: Chair, Court Rules and Procedures Committee (2023-2024) Chair, Evidence Rules Subcommittee (2022-2023).

National Association of Railroad Trial Counsel: Member.

AWARDS AND HONORS:

First Amendment Award, ACL of Southern California.

Advocate Award, Public Counsel.

SELECT PUBLICATIONS AND PRESENTATIONS

Presenter, *A Second Bite at The Apple: State Law Wrongful Discharge Claims*, NARTC Special Litigation Conference, March 9, 2018.

Panelist and Moderator, *Social Media & Privacy: Building Your Online Presence and Protecting Your Digital Assets*, California Club, June 13, 2014.

Michael Chait, Susan Ross, and Sarah Taylor Wirtz, *Tips for Conducting an Internal Investigation*, MS K Corporate Alert, April 2014.

Michael Chait and Susan Kohn Ross, *Cybersecurity Update – How Are You Impacted?* MS K Corporate Alert, February 2014.

Michael Chait, *Steps to Protect the Identity of Your Secret Source*, Lexology, August 26, 2013.

Benjamin Gould

1201 3rd Ave., Ste. 3200, Seattle, WA 98101

██████████ bgould@kellerrohrback.com

EXPERIENCE

Keller Rohrback L.L.P.

Sept. 2008 – July 2009; Sept. 2010 – present
Seattle, WA

- First an associate, and then a partner, representing plaintiffs in cases involving privacy, pensions, securities, employment, and consumer protection. Appeals, largely federal, constitute a significant portion of my practice.

The Hon. Betty Binns Fletcher, U.S. Court of Appeals for the Ninth Circuit

Aug. 2009 – Aug. 2010
Seattle, WA

- Law clerk to Judge Fletcher.

ACLU Drug Law Reform Project

Aug. 2007 – Aug. 2008
Santa Cruz, CA

- One-year fellowship litigating civil and criminal cases related to drug policy and civil rights.

The Hon. Diana E. Murphy, U.S. Court of Appeals for the Eighth Circuit

Aug. 2006 – Aug. 2007
Minneapolis, MN

- Law clerk to Judge Murphy.

EDUCATION

Yale Law School

J.D., 2006

- Editor, *Yale Law Journal*
- Editor-in-Chief, *Yale Journal of Law and the Humanities*

Yale College

B.A., 2002

- B.A. *summa cum laude*; Phi Beta Kappa

REPRESENTATIVE MATTERS

- *James v. PacifiCorp*, 524 P.3d 506 (Or. Ct. App. 2023).
 - Primary author of respondents' briefs. The court declined to hear the appellants' interlocutory appeal from a decision certifying a class. A trial followed, ending in a \$73 million dollar verdict for our clients.
- *Jabbari v. Farmer*, 965 F.3d 1001 (9th Cir. 2020) and *Jabbari v. Farmer*, 813 F. App'x 259 (9th Cir. 2020).
 - Author of appellees' brief. The Ninth Circuit affirmed the district court's class-action certification and settlement approval.
- *Campidoglio LLC v. Wells Fargo & Co.*, 870 F.3d 963 (9th Cir. 2017).
 - Briefed and argued for appellants. The Ninth Circuit revived appellants' action for breach of contract.
- *Federal Home Loan Bank of Boston v. Moody's Corp.*, 821 F.3d 102 (1st Cir.), *cert. denied*, 137 S. Ct. 304 (2016).
 - Briefed and argued for appellant. The First Circuit vacated the denial of a motion to transfer.
- *Alcantara v. Bakery & Confectionary Union*, 751 F.3d 71 (2d Cir. 2014).
 - Briefed and argued for appellees. The Second Circuit affirmed a ruling that a pension reduction violated ERISA.

SELECTED PUBLICATIONS, PRESENTATIONS, AND HONORS

- *Alphabet Soup: Exploring Washington's Unique "ABC Rule" on Attorney Fees From Collateral Litigation*, Washington State Bar News (Feb. 9, 2023).
- *Vaccine Law: An Overview of Current Law and a Look at the Future*, NWLawyer (now Bar News), Nov. 2019, at 48 (surveying vaccine mandates and the cases upholding them).
- *On the Lawfulness of Awards to Class Representatives*, 2023 Cardozo L. Rev. de novo 1.
- *Washington's Flawed ABC Rule*, 58 Willamette L. Rev. 251 (2022).
- Speaker, ABA 19th Annual Nat'l Inst. on Class Actions, 2015.
- Selected to 2013–2018 "Rising Stars" and 2019–2023 "Super Lawyers" in *Washington Law & Politics*.

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Tara Urs, Chair of CPD Family Defense Standards Subcommittee
Jason Schwarz, Chair, Council on Public Defense

DATE: August 12, 2024

RE: Proposed amendments to the WSBA and Court Standards for Indigent Defense Services relating to family defense

ACTION: (1) Approve amendments to the WSBA Standards for Indigent Defense Services regarding the provision of family defense services. (2) Approve proposal of suggested amendments to the Washington Supreme Court Standards for Indigent Defense as they relate to the provision of family defense services and transmit the suggested amendments to the Court for their consideration.

I. Background

In March 2024, the Council on Public Defense (CPD) proposed amendments to the WSBA Standards for Indigent Defense Services (WSBA Standards), which were adopted by the WSBA Board of Governors. The Board of Governors also approved a proposal to the Washington Supreme Court asking the Court to adopt the WSBA Standards. While the revisions proposed by the CPD in March were comprehensive, the CPD intentionally did not address the standards specific to several particularized areas of practice, including family defense services.

For the purposes of this memo, “family defense” refers to the practice of representing parents¹ and children in civil cases filed under RCW 13.34, 13.36, and 13.38, et seq. The CPD did not seek to address family defense standards in its initial proposals due to distinctions between family defense practice and general criminal defense, and because family defense caseloads were not included in the National Public Defense Workload Study that CPD relied upon to formulate caseload standards for criminal cases. The CPD concluded the standards specific to family defense should be addressed by those with expertise in that field.

Family defense, however, faces the same challenges that led CPD to revise the Standards in the first place. Family defense workloads are too high, and the existing standards reflect long-outdated expectations for public defense work. Further, in family defense, inconsistent rules that treat parent and child representation differently have created unnecessary competition between the two state agencies that administer this practice. Excessive caseloads and a lack of attorney training and support staff prevent attorneys from meeting their constitutional and ethical obligations to their clients.

For that reason, in March 2024, CPD convened a subcommittee of family defense practitioners to address standards for family defense practice. This subcommittee performed extensive research on appropriate family defense performance standards and, along with public defense workload expert Malia Brink, conducted a study of Washington family defense practitioners to determine the amount of time necessary to provide constitutionally adequate family defense. Based on this study and other research, the subcommittee has proposed revisions to the WSBA Standards and Washington Supreme Court Standards for Indigent Defense (Court Standards), focusing on

¹ In addition to parents, other people entitled to representation by statute include guardians, custodians, and Indian Custodians who are named as respondents in dependency, guardianship, and termination petitions. RCW 13.34.070; RCW 13.34.090; RCW 13.36.040(1). For ease of reference, this report will refer only to “parents.”

caseloads, training and qualification standards, and support staff requirements. The CPD voted to approve these proposed amendments on July 26, 2024.

II. Existing Family Defense Framework and Standards

In Washington, unlike criminal public defense, family defense is administered by two different state agencies rather than by counties.² The Washington State Office of Public Defense (OPD) Parents Representation Program administers parent representation; the Washington State Office of Civil Legal Aid (OCLA) Children’s Representation Program administers child and youth representation. Most family defense work is performed by solo practitioners and small firms who have contracts with one or both state agencies. Indeed, in some smaller counties, filings are low enough that attorneys in that county cannot make up a fulltime caseload with a contract alone – yet, because each parent and alleged parent requires a different attorney, and considering the inevitable conflicts, there will necessarily need to be multiple attorneys in any jurisdiction even when the number of cases is low. Only in King County is the majority of parent and child representation provided by a county public defense agency.

The WSBA and Court Standards prescribe caseload standards and qualification requirements for family defense practitioners. It is apparent that these Standards require updating for multiple reasons.

First, as with other types of public defense work, the current caseloads are simply unsustainable. As the results of the Washington practitioner study discussed below demonstrate, the current WSBA and Court caseload standards do not allow for sufficient time for attorneys to provide the level of representation required by ethical standards, state statutes, and the Washington Constitution.

Second, the right to counsel in family defense cases has evolved over time.³ Because implementation of this right has developed along somewhat different timelines for parents and children, multiple standards have been created that are not consistent between child and parent representation. The existing WSBA and Court Standards set a “caseload limit of 80 open dependency/termination of parental rights cases for parent and child(ren) representation per attorney per year.”⁴

² See RCW 2.70.020; RCW 2.53.045. However, the work of assigning cases is funded by counties in some (but not all) counties in the state. Counties also pay, separately, for representation parents may receive in RCW 11.130 guardianship cases. Guardianship cases pursuant to RCW 11.130 are not addressed here.

³ See RCW 13.34.090; RCW 13.36.040(1). For example, in 1975, the Washington State Supreme Court found a constitutional right to counsel in termination of parental rights cases, holding that “the nature of the rights in question and the relative powers of the antagonist, necessitate the appointment of counsel.” *In re Myricks*, 85 Wn.2d 252 (1975). Five years later, *Myricks* was abrogated by the United States Supreme Court. *Lassiter v. Dep’t of Soc. Servs. of Durham Cty., N. C.*, 452 U.S. 18, 31, 101 S. Ct. 2153, 2161, 68 L. Ed. 2d 640 (1981). Despite the federal constitutional underpinnings of *Myricks*, Washington courts have held the case has continued validity on state constitutional grounds. *Matter of Dependency of S.K-P.*, 200 Wn. App. 86, 97, 401 P.3d 442, 449 (2017), *aff’d sub nom. Matter of Dependency of E.H.*, 191 Wn. 2d 872, 427 P.3d 587 (2018) (noting that “stare decisis protects” the holding in *Myricks*).

⁴ WSBA Standards for Indigent Defense, Standard 3.K (rev. Mar. 8, 2024) (available at https://www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/wsba-indigent-defense-standards-as-approved-by-bog-2024.03.08.pdf?Status=Master&sfvrsn=3c831ff1_5); Standard 3.4, CrR 3.1 Stds, JuCR 9.2 Stds, CrRLJ 3.1 Stds.

In 2022, pursuant to HB 1219,⁵ different standards of practice and caseload limits for attorneys representing children were developed by the Children Representation Workgroup⁶ and adopted by the Washington State Supreme Court Commission on Children in Foster Care. These standards did not come before the WSBA and did not result in a change in either the WSBA Standards or the Court Rule Standards. These child representation standards set the following caseload limit: *Attorneys representing children and youth in dependency and termination hearings on a full-time basis should be assigned to represent no more than 45 trial-level (not appellate) dependency clients at a time and no more than 60 total cases (including dependency and cases collateral to the dependency case, in which representation is required to properly protect the client's interests in the dependency case).*⁷

The discrepancy between caseloads for attorneys representing parents and those representing children creates an incentive for attorneys to enter into contracts for children's representation, which has a lower caseload maximum, leaving fewer attorneys available to represent parents in family defense cases.

However, neither the 80 open active case caseload (from the WSBA Standards and Court Standards) nor the 45 open active client caseload (adopted by the Foster Care Commission) was based on a workload study. Yet, at the same time, recent legislative changes and decisions of the State Supreme Court have underscored both the importance of providing high-quality family defense representation and have increased the amount of work required in these cases. For example, the legislature has recently enacted the Keeping Families Together Act which requires additional judicial inquiry into questions of family separation and relative placement, among other things, at a shelter care hearing.⁸ Likewise, the legislature enacted HB 1747 in 2022, which requires courts to consider guardianship as an alternative to the termination of parental rights at multiple stages in a proceeding.⁹ Recent decisions from the Washington State

⁵See HB 1219, enacted 2021 (avail. at <https://app.leg.wa.gov/billsummary?BillNumber=1219&Year=2021&Initiative=false>), codified at RCW 13.34.212(3)(a); see also RCW 13.34.267(7); RCW 2.53.045.

⁶ Available at <https://www.courts.wa.gov/subsite/CommFC/docs/revised%20practice%20standards%20for%20representation%20of%20children%20and%20youth%20in%20dependency%20cases.pdf>.

⁷ Notably, this standard also contains the following footnote eleven:

The caseload standard (number of maximum cases for each attorney) reflects the majority recommendation from the Children Representation Standards workgroup. It was reached after significant deliberation and discussion among workgroup members, a minority of whom dissent[] based on professional and lived experience that the maximum caseload number of 60 cases is too high to allow attorneys to meet these new practice standards; to recruit and retain a diverse group of attorneys; and to maintain, build, and continue support of children's representation in these matters. No member at any point advocated for a higher caseload than that reflected in these Standards. The recommendation of maximum of 45 clients, maximum of 60 cases, is being put forward in part because of the workgroup's unanimous recommendation that this caseload standard may need to be adjusted after further experience and objective, independent research.

[. . .]

[T]he Children's Representation Standards workgroup further recommends that the caseload standard be reviewed, reconsidered and, if appropriate, updated by a workgroup of independent researchers, practitioners, young people with lived experience, and experts in the field convened by the Supreme Court Commission on Children in Foster Care by July 2027 at the latest; [. . .]

⁸ See Laws of 2021, ch. 211, § 9 (E2SHB 1227).

⁹ Laws of 2022, ch. 127, § 1-4 (SHB 1747).

Supreme Court have underscored the importance of adhering to the Indian Child Welfare Act from the earliest stages of a case, which has required additional advocacy from family defense attorneys and resulted in more cases applying the Act.¹⁰ These developments in the law have only added to the time required to adequately defend a client in a family defense case.

Third, unlike other public defense attorneys, family defense caseloads are currently measured under the WSBA and Court Standards based on the number of “open and active” cases rather than new assignments. Under the standards applicable to child and youth representation, caseloads are measured using a hybrid of “open and active” cases and a client maximum. Further, pursuant to the WSBA Standards, a “case” is defined as a “a dependency or termination of parental rights petition”¹¹ and, therefore, excludes representation on petitions for a dependency guardianship filed pursuant to RCW 13.36, even though the appointment of counsel is statutorily required.¹² The Court Standards do not specifically define a case for purposes of family defense representation.

Fourth, despite the complexity of the law in this area, and the fundamental constitutional rights at stake, existing WSBA and Court Standards do not require any prior legal experience or supervised practice prior to an attorney representing a client on a dependency case.¹³ For termination cases, attorneys representing parents and youth must have six months’ dependency experience or significant experience conducting complex litigation.¹⁴ These requirements for training and attorney qualifications are insufficient to ensure attorneys are prepared to handle cases where the potential consequences are so high. The lack of any baseline set of qualifications for attorneys to ethically defend a parent or child against family separation threatens to significantly undermine the quality of practice.

Fifth, research has demonstrated the benefits of interdisciplinary representation of parent – ensuring that attorney representing parents have access to social work supports, including those who have lived expertise in the dependency system. In light of that research, it is apparent that significantly more defense social support is required in Washington.

It is against this backdrop that the Family Defense Subcommittee began its work.

III. Caseload Standards

Workload Studies Undertaken in Other States

In order to evaluate the existing standards, the Subcommittee began by collecting and reviewing caseload and workload studies undertaken in other states. The Subcommittee reviewed family defense practice standards, workload studies, and caseload reports from Iowa, Indiana, Louisiana, Massachusetts, Michigan, North Carolina, New York, Oregon, Rhode Island, and Wyoming.¹⁵ The Committee also reviewed standards created by the ABA and the Family Justice Initiative.

Reviewing existing workload studies, it became apparent that there is tremendous variation in the way different state dependency systems operate. For example, in Indiana most children in the system are not separated from their families, which is starkly different from the way the system functions in Washington. Because of those differences,

¹⁰ *E.g., Matter of Dependency of Z.J.G.*, 196 Wn.2d 152, 163, 471 P.3d 853, 859 (2020).

¹¹ WSBA Standards, Definitions.

¹² RCW 13.36.040(1).

¹³ See WSBA Standards, Standard 14.C.4.a, b; CrR 3.1, Standard 14.2(L).

¹⁴ *Id.*

¹⁵ See Appendix A for links to the reports reviewed.

there is unlikely to ever be a single, national workload study for family defense attorneys. Further, the differences between the state systems made it difficult to draw conclusions based on the lessons in many other jurisdictions.

However, one jurisdiction—Oregon—is substantially the same as Washington’s. The Subcommittee decided, therefore, to use Oregon’s recent workload study as a jumping off point for this inquiry. To confirm that Oregon offers a useful comparison, the Subcommittee met with an Oregon attorney who participated in Oregon’s study and compared the various hearings and stages of a case with Washington. After confirming that Oregon’s process was similar enough to Washington’s, the Subcommittee chose to focus on the Oregon study as a model.

This strategy made sense for several reasons. In addition to resembling Washington’s family defense system, Oregon’s study was conducted recently, in 2022. Therefore, the study considered some recent trends in family defense representation that would similarly impact Washington attorneys. The study was conducted by the ABA Standing Committee on Legal Aid and Indigent Defense and Moss Adams, organizations well versed in public defense workload studies, and used the Delphi methodology, a rigorous method commonly used for such studies. Finally, Deputy Director for the ABA’s Public Defender Workload Study Projects Malia Brink, who oversaw the Oregon study, was willing to help adapt its findings to Washington.¹⁶

In the end, after consultation with attorney workload experts, the Subcommittee determined that, rather than taking the time and expense to conduct a new Delphi study specific to family defense in Washington, it would be equally valid and more efficient to use the Oregon study as a foundation for an abbreviated workload study in Washington. As described in Appendix B, the Subcommittee worked with Malia Brink to develop a process to adapt the Oregon findings to Washington workloads, which included two sessions with panels of well-respected attorneys doing both parent and child representation. The Subcommittee’s proposed amendments adopt the recommendations of the resulting Washington-specific memorandum,¹⁷ and propose a standard for family defense attorneys of no more than 35 clients in no more than 40 open and active cases at any given time.

Considerations of the Subcommittee

After significant discussion, the Subcommittee decided to recommend a single caseload number for both parent and child representation. There are several reasons for this. First, the existing WSBA and Court Standards have a single caseload limit for attorneys representing both parents and children. Recommending a single number would, therefore, be consistent with the existing standards. Second, in reviewing the Oregon workload study and the results of the Subcommittee’s Washington study, it became apparent that attorney workloads for child and parent representation are roughly equivalent, justifying similar treatment. Third, treating both kinds of representation the same lessens the administrative burden particularly for attorneys who maintain mixed caseloads with both parent and child clients. Fourth, by setting a lower caseload standard for child representation in 2022, the Child Representation Workgroup’s standards created an incentive for experienced family defense attorneys to leave parent representation for child representation, disadvantaging parent representation. The Subcommittee sought to ensure that the standards should not, unnecessarily, create competition for attorneys between two different state agencies who are often contracting with the same pool of lawyers. Finally, there are administrative inefficiencies inherent in having two different standards applied by two state agencies; these standards should create incentives for the two agencies to work together and create similar processes whenever workable.

Further, the Subcommittee determined to recommend a caseload standard of a combined cap on the number of current clients as well as a cap on the total number of open and active cases. The Child Representation Workgroup also recommended this method of counting and, according to OCLA, this has proved not only to be a workable

¹⁶ See Appendix B, Memorandum of Malia Brink.

¹⁷ *Id.*

system but a preferred one, as contractors appreciate the certainty that comes with knowing the maximum number of clients that they could have at any one time. In addition, the subcommittee determined that, as in Oregon, there will nearly always be significant overlap between activities in either a termination or guardianship case, and the parallel dependency case, as those cases will be running concurrently. For example, time spent in working to return a child home in the dependency, will, if successful, also resolve a termination or guardianship case. The overlap in that work supports counting clients rather than cases.

The Subcommittee, however, determined a standard based solely on client number, while certainly workable, was not sufficient. Because there are some jurisdictions in Washington in which termination cases are filed on approximately half of all dependency cases, an attorney doing only parent representation in a jurisdiction with high termination filings could be well within a caseload maximum of 35 clients but still have an untenable caseload of 35 dependency cases and around 17 termination cases. For that reason, both a case cap and a client cap are proposed.

Finally, the Subcommittee weighed whether to adopt a caseload based on annual assignments, as in the criminal context, rather than an open and active caseload limit. Although Malia Brink's memorandum also offers a methodology for counting weighted case *assignments*, the Subcommittee does not recommend adopting that proposal. Changing the current method of counting family defense caseloads, from open and active cases to new case assignments, would require significant administrative and practice changes in both state agencies administering these contracts. Because family defense has not, thus far, counted case assignments, and because the burden of the relatively complex case calculations will fall on solo practitioners who may carry two different contracts, the Subcommittee recommends a proposed caseload that creates both a client and an open and active case cap.¹⁸

However, in recognition of the fact that the two state agencies may eventually wish to adopt case weighting standards, discretion is provided in the proposed standards for the two state agencies to develop such standards in the future.

IV. Social Work Ratio Requirements

In 2019, a large study of more than 28,000 cases in New York, examined the question: *What kind of parental representation should child welfare systems provide to promote child safety and timely permanency?*¹⁹ The study compared outcomes for children when parents in dependency cases are represented by either experienced solo, panel attorneys or a salaried attorney working in a nonprofit law office that provides interdisciplinary representation (including defense social workers and parent advocates working on the defense team).

The study found that interdisciplinary representation decreases children's length of time spent in foster care, promotes timely "permanency," and does not impact the likelihood of children experiencing a subsequent

¹⁸ In addition, the Subcommittee recognized that, in the criminal context where case durations are frequently shorter than family defense cases, counting open and active cases can result in an extremely large number of new assignments because it creates an incentive for attorneys to resolve their cases quickly by, for example, "meeting and pleading" – a practice that is generally discouraged. This is especially so if attorneys are paid on a per case basis. Yet, dependency practice is quite different, and the same concerns do not apply because family defense cases typically remain open for upwards of a year and attorneys have significantly less control over the timing of resolution of a case.

¹⁹ Gerber, Lucas A., Yuk C. Pang, Timothy Ross, Martin Guggenheim, Peter J. Pecora, and Joel Miller. "Effects of an interdisciplinary approach to parental representation in child welfare." *Children and Youth Services Review* 102 (2019): 42-55.

substantiated report of child maltreatment. Further, because of the decreased burden on the system, an interdisciplinary law office approach to parental representation may save millions of government dollars.

Washington has long embraced the value of interdisciplinary representation, in many ways pioneering the practice of making defense social work supports available to solo practitioners. The nature of family defense cases necessarily requires significant amounts of work out of court, not only to advocate for clients in their interactions with state actors, but also to assist clients in making the kinds of changes to their life that will ultimately resolve the case. Most dependency cases in Washington result in the child returned home to a parent, an outcome that frequently requires the parent to make very significant life changes.

In consultation with the OPD leadership responsible for administering existing defense social work supports, it became clear that significantly more defense social support is required to achieve the benefits of interdisciplinary representation in Washington. There is, at present, a waiting list for defense social work supports and attorneys are required to “triage” their cases. The Subcommittee agreed that the current situation can lead to the inequitable treatment of similarly situated clients. As a result, the Subcommittee elected to adopt ratios of social workers to attorneys that are specific to family defense. The recommended ratio of parent defense attorney to social workers is one to one.

V. Experience and Supervision Requirements

Finally, the Subcommittee determined that the lack of any meaningful experience and supervision requirement for family defense representation in the existing standards was problematic. First, the existing standards create more stringent supervision and experience requirements for other civil cases, including contempt of court and involuntary treatment; yet family defense cases implicate similarly significant constitutional rights, but the Standards require only familiarity with generalized legal concepts. Further, unlike criminal law and criminal procedure, dependency law is not a core subject taught in law school, underscoring the need for additional training, experience, and supervision.

Prior to the work of this Subcommittee, both OPD and OCLA were developing new systems to allow for improved supervision and training. Both agencies recognize the need to develop structures to onboard a new generation of family defense attorneys, trained in rigorous standards, and prepared to address this complex, evolving area of law. Indeed, for OCLA and OPD, as contracting agencies, there are limitations on the amount and nature of any oversight they are able to provide. Therefore, the Subcommittee decided to recommend new supervision and experience standards for family defense, consistent with the recommendations of OPD and OCLA.

VI. Community Input

Given the significant impact this revision will have on family defense attorneys and their clients, the Subcommittee sought to include practitioners with a wide range of experience in the process of developing these recommendations. Members of the subcommittee reflected the practice throughout the state and two state agencies who administer this work. Attorneys on the subcommittee practiced in Eastern Washington (Spokane, Asotin, and Tri-Cities) as well as Western Washington (King County and Snohomish County). The subcommittee also included attorneys who have represented both parents and children, and one current Judge—Judge Sharonda Amamilo of Thurston County Superior Court. Further, the workload study invited dozens of family defense attorneys from around the state to review various case tasks. Finally, members of the subcommittee consulted with colleagues and individuals from agencies that administer family defense contracts throughout the process of developing these proposals. The proposed standards went before the full Council on Public Defense who discussed the proposals and voted unanimously to recommend the standards this body.

This is a practice area that disparately impacts Black and Indigenous families and almost exclusively impacts families living in poverty. These proposals are supported by community leaders who have lived experience of these systems.

The Family Defense Subcommittee appreciates the Board of Governors' attention to these necessary amendments to the family defense standards within the WSBA and Court Standards for Indigent Defense. The proposed amendments will ensure that children and parents in family defense proceedings receive adequate representation, that attorneys can meet their ethical obligations, and that the family defense system functions properly.

Information for Fiscal Analysis

These proposals, if adopted, will be administered by the Washington State Office of Public Defense and the Washington State Office of Civil Legal Aid. No expenditures from WSBA are anticipated.

Information for Equity Analysis

As the Washington State Supreme Court has recently recognized, “[d]ecisions in child welfare proceedings ‘are often vulnerable to judgments based on cultural or class bias,’ given that poor families and families of Color are disproportionately impacted by child welfare proceedings.”²⁰ Further, “In Native American communities across the country, many families tell stories of family members they have lost to the systems of child welfare, adoption, boarding schools, and other institutions that separated Native children from their families and tribes. This history is a living part of tribal communities, with scars that stretch from the earliest days of this country to its most recent ones.”²¹

Research demonstrates an overwhelming correlation between poverty and involvement in the family regulation system. Over 90% of children and youth involved with the family regulation system in Washington and across the nation are from low-income households below 200% of the Federal Poverty Level (FPL).²² Children of color are disproportionately represented among low-income families in Washington State. Sixty-five percent of Latinx children, 60% of Black children, and 59% of Native American and Alaska Native children live below 200% of the federal poverty level. Further, there is a growing number of “economically disconnected” families who neither work nor receive benefits. In 2016, 20% of family regulation system-involved families were economically disconnected. Economically disconnected caregivers are most likely to report an unmet basic need such as housing, medical

²⁰ *Matter of Dependency of K.W.*, 199 Wn.2d 131, 155, 504 P.3d 207, 220 (2022) (internal quotations omitted) (*citing Santosky v. Kramer*, 455 U.S. 745, 763, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982) (plurality opinion)).

²¹ *Matter of Dependency of Z.J.G.*, 196 Wn.2d 152, 156–57, 471 P.3d 853, 856 (2020). See also Vanessa M. Holden, *Slavery and America’s Legacy of Family Separation*, BLACK PERSPECTIVES, African American Intellectual History Society (July 25, 2018), <https://www.aaihs.org/slavery-and-americas-legacy-of-family-separation/>; Leah A. Hill, *Loving Lessons: White Supremacy, Loving v. Virginia, and Disproportionality in the Child Welfare System*, 86 *Fordham L. Rev.* 2727, 2735–36 (2018) (“The presence of these seemingly innocuous measures in evaluating parents’ capabilities belies the history of ideological racism inherent within the child welfare system, which is rooted in legal theories that, historically and intentionally, reinforced the institution of slavery and the inadequacy of black mothers.”); see also Christina White, *Federally Mandated Destruction of the Black Family: The Adoption and Safe Families*, 1 *Nw. J. L. & Soc. POL’Y.* 303, 304-305 (2006).

²² See <https://dcyf.wa.gov/sites/default/files/pdf/reports/OIAAEquityData2021.pdf> (2021).

services, or of finding and keeping a job, all circumstances which make it harder for parents to keep their children safe and meet their basic needs.²³

The proposed revisions to the Standards for Indigent Defense Services are intended to improve the provision of family defense to clients living under precisely these circumstances. The revised caseload maximums and training requirements will permit family defense attorneys to devote the necessary attention and expertise to their clients, while the additional support staff standards will assist families with meeting their basic needs and creating safe environments to keep families together. These proposed standards will help to counter the disproportionate impact of family defense proceedings on economically disadvantaged families, families of color, and Native American communities.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

To be provided separately 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 to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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.

Similar to the WSBA Standards for Indigent Defense Services proposed and approved in March 2024, we do not see any immediate equity concerns with the action to update the family defense standards. The CPD has demonstrated that they have been able to gather input from a diversity of perspectives, including front line family defense attorneys and staff who see firsthand the impact of the criminal justice system on people from marginalized communities. The well-being and retention of public defenders and other public defense staff who are dealing with excessive workloads and systemic barriers to providing representation is essential to a criminal legal system that does not continue to oppress communities who have been historically marginalized.

Attachments

Appendix A: Links to reports reviewed

Appendix B: Memorandum of Malia Brink

²³ For additional information, please see the following resources: [Microsoft Word - 08 Juvenile Justice 1025-1105.docx \(seattleu.edu\)](#); [Prevention Dashboard | Washington State Department of Children, Youth, and Families](#); <https://www.dcyf.wa.gov/sites/default/files/pdf/reports/CWRacialDisparityIndices2019.pdf>

Appendix C: Attorneys who participated as subject matter experts in the Washington workload study
Proposed amendments to WSBA Standards for Indigent Defense Services, markup and clean copies
Suggested amendments to Washington Supreme Court Standards for Indigent Defense, markup and clean copies

APPENDIX A: LIST OF RESOURCES REVIEWED

Iowa

- Practice standards:
https://www.iowacourts.gov/static/media/cms/StandardsofPractice101413_8A2315866E084.pdf

Indiana

- Workload study: <https://www.in.gov/publicdefender/files/FINAL-FINAL-FINAL-WORKLOAD-STUDY.pdf>

Louisiana

- Workload study:
<https://lpdb.la.gov/Supporting%20Practitioners/Standards/txtfiles/pdfs/Louisiana%20Project%20Report.pdf>

Massachusetts

- Manual: <https://www.publiccounsel.net/wp-content/uploads/2023/11/Assigned-Counsel-Manual.pdf>

Michigan

- System evaluation:
https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/michigan_parent_representation_report.pdf

North Carolina

- System evaluation:
https://www.americanbar.org/content/dam/aba/administrative/child_law/parentrep/northcarolinareport_full.pdf

New York:

- Practice standards:
<https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>

Oregon

- Workload study:
https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lis-claid-or-proj-rept.pdf

Rhode Island

- Workload study: <https://www.nacdl.org/getattachment/670f9ceb-4c36-407c-93aa-d190ee4460d1/the-rhode-island-project-a-study-of-the-rhode-island-public-defender-system-and-attorney-workload-standards.pdf>

Wyoming:

- System evaluation:
https://www.americanbar.org/content/dam/aba/administrative/child_law/wyolegalrep.pdf

APPENDIX B: MEMORANDUM OF MALIA BRINK

MEMORANDUM

To: Washington State Bar, Subcommittee on Indigent Defense Standards for Family Defense
From: Malia Brink
Re: Washington State Dependency Workload Standards
Date: July 15, 2024

Thank you for asking me to consult on the standards applicable to dependency cases in Washington State. This memo serves to document the process of coming to a recommended standard, as well as those recommendations.

THE PROCESS

Initially, I met with subcommittee members about the dependency case process in Washington State, as well as the dependency case process in other states. Following this meeting, subcommittee members identified the case process in Oregon as appearing the most similar to Washington State. A follow-up call with an Oregon dependency attorney confirmed the similarity of the process and identified differences that should be addressed. Importantly, the case types used in the [Oregon Project: An Analysis of the Oregon Public Defense System and Attorney Workload Standards](#) were deemed appropriate for use in Washington State..

Following this call, I met with subcommittee members to propose a process for modifying the dependency case standards from the [Oregon study](#). First, subcommittee members familiar with dependency representation modified the Oregon dependency attorney case tasks to fit Washington State. The Washington State case task definitions are attached here as Exhibit A. Next, the subcommittee identified well-respected attorneys (luminaries) in Washington State experienced in dependency representation. The group was divided into those experienced in the representation of parents and those experienced in the representation of children. Select attorneys, experienced in both representation of children and parents, were on both lists. Each group was then invited to a meeting to address the case types for their type of client. The two case types for both groups consisted of (1) dependency and (2) termination of parental rights.

Prior to the meetings, participants were provided with background on the purpose of the meeting, as well as the Washington State case task definitions, the Washington Bar and National Standards relevant to parent or child representation, and the Oregon caseload standard time and frequency numbers broken down by case task. Participants were asked to review the Oregon numbers, in light of both the standards and the Washington State case task definitions. They were asked to consider whether, based on their experience representing clients in dependency cases in Washington State, the time estimates were too high, about right, or too low. They were provided an Initial Response worksheet on which to document their preliminary view of the Oregon time and frequency estimates. The Instructions and Initial Response Forms provided to both groups are attached here as Exhibit B.

The meeting for each group took place on July 1, 2024. I facilitated the meeting with attorneys experienced in the representation of children. However, because of an intervening family crisis, Tara Urs facilitated the meeting with attorneys experienced in the representation of parents. Each meeting was scheduled for three hours. During each meeting, the attorneys discussed each case task for each case type – dependency and termination of parental rights. The participants discussed the time they spend representing their clients, what constitutes constitutionally sufficient representation, what additional time might be necessary to fully comply with practice standards, what factors impact time spent or frequency of case tasks, and the differences between Washington and Oregon procedures that might affect the time or frequency estimates. The participants discussed a particular case task until a consensus around the average time and frequency for each task was reached. These discussions led to modifications of the Oregon time and frequency estimates in both directions – adding time and frequency in some case task categories and decreasing time and frequency in others. To the fullest extent possible, this process mirrored the process used by the American Bar Association in conducting the final round a of jurisdiction-specific public defense workload study.¹

THE RESULTS:

The results of the discussions with the Washington State luminaries are summarized in the tables below.

| CHILD REPRESENTATION -- DEPENDENCY | NOT CONTESTED (Est. 78%) | | | CONTESTED (AT LEAST PARTIALLY) (Est. 22%) | | |
|--|-------------------------------------|-------|-------|--|-------|-------|
| | Hours | Freq. | Total | Hours | Freq. | Total |
| Client Communication | 5 | 100% | 5 | 6 | 100% | 6.00 |
| Client Advocacy and Support | 9 | 100% | 9 | 9 | 100% | 9.00 |
| Discovery/Case Analysis | 8 | 100% | 8 | 12.5 | 100% | 12.50 |
| Experts | 3.5 | 10% | 0.35 | 4 | 15% | 0.60 |
| Legal Research, Motions Practice, Other Writing | 2.5 | 100% | 2.5 | 5 | 100% | 5.00 |
| Court Preparation | 3 | 100% | 3 | 12 | 100% | 12.00 |
| Court Time | 4.5 | 100% | 4.5 | 25 | 100% | 25.00 |
| Appeal Preparation | 2 | 1% | 0.02 | 3 | 12% | 0.36 |
| Post-Fact-Finding (Jurisdiction) Client Communication | 27 | 90% | 24.3 | 27 | 90% | 24.30 |
| Post-Fact-Finding (Jurisdiction) Client Advocacy and Support | 36 | 90% | 32.4 | 36 | 90% | 32.40 |
| Post-Fact-Finding (Jurisdiction) Hearing Preparation | 9 | 90% | 8.1 | 9 | 90% | 8.10 |

¹ For more on this process, please see [Use of the Delphi Method in ABA SCLAID Workload Studies](#) (2021).

| | | | | | | |
|---|---|-----|-------|---|-----|-------|
| Post-Fact-Finding (Jurisdiction) Court Time | 7 | 90% | 6.3 | 7 | 90% | 6.30 |
| <i>SUB-TOTALS</i> | | | 103.5 | | | 141.6 |
| TOTAL CASE WEIGHT – 111.8 hours/case² | | | | | | |

| CHILD REPRESENTATION – TERMINATION OF PARENTAL RIGHTS | NOT CONTESTED (Est. 78%) | | | CONTESTED (AT LEAST PARTIALLY) (Est. 22%) | | |
|--|-------------------------------------|-------|-------|--|-------|-------|
| | Hours | Freq. | Total | Hours | Freq. | Total |
| Client Communication | 4 | 100% | 4 | 8 | 100% | 8 |
| Client Advocacy and Support | 1 | 100% | 1 | 2 | 100% | 2 |
| Discovery/Case Analysis | 25 | 100% | 25 | 30 | 100% | 30 |
| Experts | 6 | 5% | 0.3 | 6 | 5% | 0.3 |
| Legal Research, Motions Practice, Other Writing | 3 | 100% | 3 | 10 | 100% | 10 |
| Court Preparation | 8 | 100% | 8 | 17 | 100% | 17 |
| Court Time | 5 | 100% | 5 | 29 | 100% | 29 |
| Appeal Preparation | 0 | 0% | 0 | 3.5 | 30% | 1.05 |
| Post-Judgment Work | 0.5 | 100% | 0.5 | 0.5 | 100% | 0.5 |
| <i>SUB-TOTALS</i> | | | 46.8 | | | 97.6 |
| TOTAL CASE WEIGHT – 57 hours/case | | | | | | |

² Case weight is calculated by taking the total uncontested time (103.47) x est. % cases uncontested (78%) + total contested time (141.56) x est. % cases contested (22%) = 111.8 hours/case.

| PARENT REPRESENTATION -- DEPENDENCY | NOT CONTESTED (Est. 67%) | | | CONTESTED (AT LEAST PARTIALLY) (Est. 33%) | | |
|--|-------------------------------------|-------|--------------|--|-------|--------------|
| | Hours | Freq. | Total | Hours | Freq. | Total |
| Client Communication | 6.5 | 100% | 6.5 | 15 | 100% | 15 |
| Client Advocacy and Support | 7.5 | 100% | 7.5 | 15 | 100% | 15 |
| Discovery/Case Analysis | 12 | 100% | 12 | 15 | 100% | 15 |
| Experts | 8 | 50% | 4 | 10 | 50% | 5 |
| Legal Research, Motions Practice, Other Writing | 2.5 | 100% | 2.5 | 6 | 100% | 6 |
| Court Preparation | 6.5 | 100% | 6.5 | 15 | 100% | 15 |
| Court Time | 5 | 100% | 5 | 25 | 100% | 25 |
| Appeal Preparation | 1.5 | 5% | 0.075 | 2 | 50% | 1 |
| Post-Fact-Finding (Jurisdiction) Client Communication | 28 | 90% | 25.2 | 38 | 90% | 34.2 |
| Post-Fact-Finding (Jurisdiction) Client Advocacy and Support | 39 | 90% | 35.1 | 39 | 90% | 35.1 |
| Post-Fact-Finding (Jurisdiction) Hearing Preparation | 22 | 90% | 19.8 | 22 | 90% | 19.8 |
| Post-Fact-Finding (Jurisdiction) Court Time | 15 | 90% | 13.5 | 15 | 90% | 13.5 |
| <i>SUB-TOTALS</i> | | | <i>137.7</i> | | | <i>199.6</i> |
| TOTAL CASE WEIGHT – 158.1 hours/case | | | | | | |

| PARENT REPRESENTATION – TERMINATION OF PARENTAL RIGHTS | NOT CONTESTED (Est. 80%) | | | CONTESTED (AT LEAST PARTIALLY) (Est. 20%) | | |
|---|-------------------------------------|-----------|-------|--|-----------|-------|
| | Hours | Frequency | Total | Hours | Frequency | Total |
| Client Communication | 5 | 100% | 5 | 15 | 100% | 15 |
| Client Advocacy and Support | 0 | 0% | 0 | 0 | 0% | 0 |
| Discovery/Case Analysis | 15 | 100% | 15 | 25 | 100% | 25 |
| Experts | 10 | 50% | 5 | 14 | 80% | 11.2 |
| Legal Research, Motions Practice, Other Writing | 6 | 100% | 6 | 10 | 100% | 10 |
| Court Preparation | 12 | 100% | 12 | 30 | 100% | 30 |
| Court Time | 4.5 | 100% | 4.5 | 35 | 100% | 35 |
| Appeal Preparation | 0.5 | 1% | 0.005 | 2 | 75% | 1.5 |
| Post-Judgment Work | 2 | 100% | 2 | 3.5 | 100% | 3.5 |
| <i>SUB-TOTALS</i> | | | 49.5 | | | 131.2 |
| TOTAL CASE WEIGHT – 65.8 hours/case | | | | | | |

THE RECOMMENDATIONS:

Based on the above consensus determination of the luminary attorneys, it is possible to calculate both a proposed open caseload standard and a proposed annual caseload limit structure.

Open Caseload Limit:

Using the standard Washington State attorney work year, 1650 hours, and the estimated time to close for each case type, one can estimate an open case number for each case type. This number is arrived at by dividing the 1650 hours by the relevant Case Weight and then multiplying the number by the year value of the estimated time to close. For example, the open caseload of Child Rep – Dependency would be calculated by dividing 1650 hours per year by the case weight of 111.8 hours (14.76 cases/year) and then multiplying the result by the average time to close (2.67 years) for a result of an open caseload standard of 39 cases.

| Case Type | Case Weight | Est. Time to Close | Est. Open Cases |
|--------------------------|--------------------|---------------------------|------------------------|
| Child Rep – Dependency | 111.8 hours | 32 months (2.67 years) | 39 cases |
| Child Rep - Termination | 57.0 hours | 15 months (1.25 years) | 36 cases |
| Parent Rep - Dependency | 158.1 hours | 27.7 months (2.30 years) | 24 cases |
| Parent Rep - Termination | 65.8 hours | 15 months (1.25 years) | 31 cases |

Deriving an open caseload limit across case types should account for the fact that both the case weight and the time to close are averages. An attorney with either a disproportionate number of simple cases or a disproportionate number of cases open longer than average could potentially still meet with practice standards in a larger number of cases. However, those with more complex cases or a disproportionate number of the more complex case types could easily be overloaded with an open caseload number below the maximum established. To account for these variations, I would generally recommend the open caseload limit be set at either the highest number of open caseload available for range of case types (here 39.4). Alternatively, one could seek to blend the open case standards in accordance with their historical proportion of the caseload. In the absence of such case occurrence data, one could also average the available open case numbers and then apply to multiplier of roughly 120% so as to ensure that attorneys with simpler caseloads are not unduly cut off. This averaging method similarly produces a calculation of roughly 39.3. For all these reasons, I would propose an open caseload standard of 40.

A different way of creating an open caseload standard in dependency matters is to consider the number of clients – rather than the number of cases. This method is particularly relevant in dependency as termination of parental rights cases are almost entirely derived from and co-exist with a dependency case in which the attorney has represented the same client for some time.³ Importantly, the system should not create a standard requiring an attorney with the maximum allowable number of open cases, to decline representation of a client in a termination proceeding, whom they have been representing in the ongoing dependency case. Given the range of dependency cases in which termination is filed, which I understand ranges by county between 15-30%, I would propose an alternative, or co-existing, limit of 35 clients.

Annual Caseload Limit:

More commonly, case weights would be used to limit the number of new cases assigned to an attorneys during a calendar year. While one could simply subtract the case weight for each new case assigned from the annual number of hours available for casework per attorney (1650 hours), such systems are often simplified into a case credit system. To establish a case credit system, you assign one case type a value of 1.0 and establish a comparative case credit based on the comparative value of the case weights. For example, if you use the lowest value case type (Child Rep – Termination) as the 1.0 value case type, you would calculate the other case credit values by dividing the case weight for each case type by the case weight value of the 1.0 value case type (Child Rep – Termination case weight is 57 hours). A case credit chart calculated in this manner for Washington State dependency cases is reflected in the chart below.⁴

³ Generally an attorney would represent a client (parent or child) in the dependency case before a termination petition is filed. However, a recent change in Washington State law would now allow an attorney to be appointed to represent a child under the age of 8 only upon the termination petition. That attorney would then represent the child not only in the termination, but also in the underlying dependency case.

⁴ As noted in footnote 3, there are now circumstances where an attorney might be appointed to represent a child only when a termination petition is filed. That attorney would then represent the child in both the termination and the remainder of the dependency proceeding. Whether such representation should be counted as a full dependency representation, as well as a termination representation is not clear. Likely,

| Case Type | Case Weight | Case Credit |
|--------------------------|-------------|-------------|
| Child Rep – Dependency | 111.8 hours | 2.0 |
| Child Rep - Termination | 57.0 hours | 1.0 |
| Parent Rep - Dependency | 158.1 hours | 2.8 |
| Parent Rep - Termination | 65.8 hours | 1.2 |

The number of case credits available to each attorney per year is calculated by dividing the number of hours available per attorney per year (1650 in Washington State) by the 1.0 value case weight (here 57 hours). The resulting case credits available per dependency attorney in Washington State would be 29 case credits per year.

CONCLUSION:

The extensive work conducted by the subcommittee and the luminary attorney groups for parent and child representation in Washington State strongly suggests that the existing caseload limit of 80 open dependency cases is too high and does not adequately reflect the attorney time needed in dependency cases today. Washington State should consider reducing the open caseload limit to 40 and possibly combining the open caseload limit with a current client limit of 35. Further, Washington State could consider employing an annual assignment limit, based on a case credit system, that would also account for the blend of dependency cases assigned to each attorney.

partial case credit should be allocated to the dependency representation in this circumstance, but this type of representation is relatively new and nobody the luminary group had sufficient experience with the circumstance to estimate the appropriate allocation at this time.

APPENDIX C: ATTORNEYS WHO PARTICIPATED AS SUBJECT MATTER EXPERTS (“LUMINARIES”) IN THE JULY 1, MEETINGS

The Subcommittee gives a heartfelt thanks to the participants for the significant amount of time they devoted to participating in the Washington study. The development of the recommended Standards would not have been possible without them.

Attorneys who participated in the child representation group:

Chris Desmond
Sarah Beth Huot
Dana Petersen
Susan Henwood
Colleen Shea-Brown
Ted Reinbold
Paula Davenport
Michelle Trombley
Chori Folkman
Adam Ballout
Anastasia Blakely
Elysia Ruvinsky
Baily Black
Charles Clapperton

Attorneys who participated in the parent representation group:

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Stephanie Sellers
Elysia Ruvinsky
Eric Johnson
Adam Ballout
Chris Desmond
Laura Hughes
Manda Lyghts
Crystal Alford
Cameron Buhl

Suggested Amendments to WSBA Standards for Indigent Defense

1 Markup:

2 **DEFINITIONS**

3 1. [Unchanged.]

4 2. Case – A “case” is a new court filing or action that names a person who is eligible for appointment of a
5 public defense attorney; for example, an adult criminal charging instrument, a juvenile court offender or
6 BECCA petition, a dependency, Title 13 guardianship, or termination of parental rights petition, a civil
7 commitment petition, or an appeal. For additional explanation in relation to caseload capacity, refer to
8 Standards 3.H and 3.I.

9 3. – 7. [Unchanged.]

10 8. Family Defense – Family defense is the practice of representing all people statutorily and
11 constitutionally entitled to legal representation in cases under RCW 13.34, 13.36, and 13.38, et seq.

12 9. Family Defense Social Worker or Family Defense Social Service Worker – A family defense professional
13 with a degree in Social Work (or allied field) who provides professional services to assist the attorney and
14 to help meet the basic and complex needs of the client. At the discretion of the agency or firm, individuals
15 without a degree in Social Work (or other field), but who can demonstrate lived or professional experience
16 in the dependency system may serve the same role with the title of “Family Defense Social Service
17 Worker.”

18 [Remaining definitions unchanged with the exception of renumbering to accommodate new definitions 8
19 and 9.]

20

21 **STANDARD ONE: Compensation**

22 [Unchanged.]

23 **STANDARD TWO: Duties and Responsibilities of Counsel**

24 [Unchanged.]

25 **STANDARD THREE: Caseload Limits and Types of Cases**

26 ***Standard:***

1 3.A. – 3.G. [Unchanged.]

2 3.H. Definition of case.

3 A “case” is a new court filing or action that names a person who is eligible for appointment of a public
4 defense attorney; for example, an adult criminal charging instrument;² a juvenile court offender or BECCA
5 petition;² a dependency, Title 13 guardianship, or termination of parental rights petition;² a civil
6 commitment petition, or an appeal.

7 3.I. – 3.J. [Unchanged.]

8 3.K. Other Case Types.¹⁴

9 Appeals: 36 appeals to an appellate court hearing a case on the record and briefs per attorney per year.
10 (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average
11 length of 350 pages. If attorneys do not have significant appellate experience and/or the average
12 transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

13 Family Defense: Family defense attorneys shall not represent more than 35 family defense clients or carry
14 more than 40 open and active family defense cases at any given time. State agencies responsible for
15 administering family defense representation may adopt case weighting standards not inconsistent with
16 these standards. A supervising attorney assigned as co-counsel may count that client or case towards their
17 total under this rule. ~~80 open dependency/termination of parental rights for parent and child(ren)~~
18 representation per attorney per year.

19 Civil Commitment: 250 Civil Commitment cases per attorney per year.

20

21 3.L. – 3.N. [Unchanged.]

22

23 3.O. Implementation of Standards

24

25

¹⁴ The standards under this subsection, with the exception of family defense caseload standards, are under
26 review. To provide guidance in the interim, the prior standards are included only until revisions are approved.

1 Standard 3 shall be implemented in phases and shall go into effect on July 2, 2025. The 2024 revisions to
2 these Indigent Defense Standards shall be implemented on the following schedule:

3 Until July 2, 2025, the caseload standards as adopted in pre-existing *WSBA Standards of Indigent Defense*
4 *Services* and *Court Rule Standards of Indigent Defense* shall apply: The caseload of a full-time public
5 defense attorney or assigned counsel shall not exceed the following:

- 6 150 Felonies per attorney per year;
- 7 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case
- 8 weighting system as described in this Standard, 400 cases per year;
- 9 250 Juvenile Offender cases per attorney per year.

10 Phase 1:

11 Beginning July 2, 2025, within the twelve months following, each full-time felony attorney shall be
12 assigned cases constituting no more than 110 felony case credits and each full-time misdemeanor
13 attorney shall be assigned cases constituting no more than 280 misdemeanor case credits. Beginning July
14 2, 2025, family defense attorneys shall not represent more than 45 family defense clients or carry more
15 than 60 open and active cases at any given time.

16
17 Phase 2:

18 Beginning July 2, 2026, within the twelve months following, each full-time felony attorney shall be
19 assigned cases constituting no more than 90 felony case credits and each full-time misdemeanor attorney
20 shall be assigned cases constituting no more than 225 misdemeanor case credits. Beginning July 2, 2026,
21 family defense attorneys shall not represent more than 35 family defense clients or carry more than 40
22 open and active cases at any given time.

23
24 Phase 3:
25
26

1 Beginning July 2, 2027, and for any twelve-month period following, each full-time felony attorney shall be
2 assigned cases constituting no more than 47 felony case credits and each full-time misdemeanor attorney
3 shall be assigned cases constituting no more than 120 misdemeanor case credits.

4
5 **STANDARD FOUR: Responsibility for Expert Witnesses**

6 ***Standard:***

7 4.A. [Unchanged]

8 4.B. Mitigation Specialists, Social Workers

9 Mitigation specialists and social workers shall be made readily available to public defense attorneys to
10 provide support, such as release plans, treatment services, housing, health care, and to develop
11 dispositional and sentencing alternatives.

12 In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist or social
13 worker shall be provided for every three full-time attorneys. Public defense agencies shall make
14 meaningful progress towards this ratio prior to July 3, 2028.¹⁵ Attorneys representing clients in post-
15 adjudication phases may require different resources. Public defense agencies that do not employ a
16 sufficient number of mitigation specialists or social workers to meet this ratio shall enter into contracts
17 with additional mitigation specialists or social workers to provide the same resource level.

18 For public defense agencies responsible for administering the funding for parent representation, by July
19 3, 2028, a minimum of one full-time family defense social worker or family defense social service worker
20 shall be provided for every one full-time attorney representing parents in family defense proceedings, on
21 a pro rata basis according to the size of the contract. Public defense agencies responsible for administering

22 _____
23 ¹⁵ Support staff necessary for effective representation “includes one supervisor for every ten attorneys;
24 one investigator for every three attorneys; one social service caseworker for every three attorneys; one
25 paralegal for every four felony attorneys; and one secretary for every four felony attorneys.” Bureau of
26 Justice Assistance, United States Department of Justice’s *Keeping Defender Workloads Manageable*, 10
(2001), available at <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>. See also, National Association for
Public Defense Policy Statement on Public Defense Staffing (May 2020), available at
<https://publicdefenders.us/resources/policy-statement-on-public-defense-staffing/>.

1 the funding for parent’s defense shall make meaningful progress towards the ratio of one full-time family
2 defense social worker or family defense social service worker for every one full-time parent’s defense
3 attorney prior to July 3, 2028. Public defense agencies responsible for administering the funding for child
4 and youth representation shall ensure that adequate social work support services are made available to
5 meet the case and support needs of children and youth in family defense cases.

6 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies
7 do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication
8 phases may require different resources.

9 Public defense attorneys under contract or in assigned counsel systems should have access to mitigation
10 specialists and social workers, consistent with 4.A.

11 4.C. – 4.E. [Unchanged.]
12

13 **STANDARD FIVE – SEVEN** [Unchanged.]
14

15 **STANDARD EIGHT: Reports of Attorney Activity**

16 ***Standard:***

17 Jurisdictions and family defense contracting agencies shall require all public defense attorneys to use a
18 case-reporting and management information system that includes the number and types of assigned
19 cases, attorney hours, and case dispositions. Data from these systems should be routinely reported to
20 public defense administrators in a manner in which confidential, secret, and otherwise non-public
21 information ~~and secrets~~ are not disclosed. Consistent with Standard Eleven, public defense administrators
22 should review these reports on a regular basis to monitor compliance with these Standards.

23 For attorneys under contract, payment should be made monthly, or at times agreed to by the parties,
24 without regard to the number of cases closed in the period.
25

26 **STANDARD NINE: Training**

1 [Unchanged.]

2
3 **STANDARD TEN: Supervision**

4 ***Standard:***

5 10.A. General Provisions.

6 In public defense agencies and contracted private law firms, a minimum of one full-time supervisor should
7 be employed for every ten full-time public defense attorneys or one half-time supervisor for every five
8 public defense attorneys. Full-time supervisors should not carry caseloads, but supervisors may act as co-
9 counsel in a limited number of cases to provide mentoring and training experience for their supervisees.
10 Part-time supervisors should limit their caseloads on a pro-rata basis. Supervisors should have training in
11 personnel management and supervision. Supervisors should be qualified under Standard 14 for the
12 practice area(s) they are supervising.

13 10.B. Supervision for Family Defense Representation

14 Supervising Attorney Standard: Where a contracted provider is contracted for more than one full-time
15 equivalent (FTE), they shall designate one full-time supervising attorney for every ten full-time family
16 defense attorneys. A parttime supervising attorney should limit their caseload on a pro-rata basis.
17 Supervisors may act as co-counsel in a limited number of cases to provide mentoring and training
18 experience for their supervisees. To be a supervising attorney for family defense cases, the attorney must
19 meet the criteria as set forth in Standard 14.C.4.a. Where a contracted provider is contracted for one FTE
20 or less, the Office of Public Defense or the Office of Civil Legal Aid shall make available programs to support
21 co-counsel opportunities, mentoring programs, or training experiences, as set forth in Standard 14.

22
23 **STANDARD ELEVEN – STANDARD THIRTEEN [Unchanged.]**

24
25 **STANDARD FOURTEEN: Qualifications of Attorneys**

26 ***Standard:***

1 14.A. – 14.B. [unchanged]

2 14.C. Attorneys’ Qualifications by Category/Type of Case and Representation Type (Trial or Appellate)

3 1. – 3. [unchanged]

4 4. Civil Cases – Trial Court Cases

5 a. ~~Representing Children and Youth in Dependency~~Family Defense Cases – Attorneys

6 representing children and youth in dependency matters should be familiar with expert
7 services and treatment resources available in dependency cases.

8 i. Youth – Each lead counsel representing children and youth in a ~~dependency~~
9 family defense matter shall meet the following requirements:

10 1. Meet the minimum requirements set forth in Section 14.A; and

11 2. Abide, at minimum, by the requirements for training and experience in
12 the [Representation of Children and Youth in Dependency Cases Practice,](#)
13 [Caseload and Training Standards,](#) Washington Supreme Court
14 Commission on Children in Foster Care, at the Request of the Legislature
15 (Rev. Sept. 2022),¹⁶ established in accordance with Section 9, Chapter
16 210, Laws of 2021 and adopted by the Washington State Supreme Court
17 Commission on Children in Foster Care.;

18 ii. ~~Have knowledge, training, experience, and ability in communicating effectively~~
19 ~~with children, or have participated in at least one consultation per case either~~
20 ~~with a state Office of Civil Legal Aid resource attorney or other attorney qualified~~
21 ~~under this section; and~~

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26 ¹⁶ Available at: <https://www.courts.wa.gov/subsite/CommFC/docs/revised%20practice%20standards%20for%20representation%20of%20children%20and%20youth%20in%20dependency%20cases.pdf>.

1 iii. Attorneys representing children and youth in termination of parental rights cases
2 shall have six months' dependency experience or have significant experience in
3 conducting complex litigation.

4 **b.ii. Representing Parents and Respondents in Family Defense Cases in Dependency**

5 **Cases** – Attorneys Each counsel representing parents in a dependency family
6 defense matter should be familiar with expert services and treatment resources
7 available in dependency cases. Each lead counsel representing children and youth
8 in a dependency matter shall meet the following requirements:

9 i.1. Meet the minimum requirements as outlined in Section 14.A; and

10 ii.2. Be familiar with the [American Bar Association Standards of Practice for](#)
11 [Attorneys Representing Parents in Abuse and Neglect Cases and the](#)
12 [Family Justice Initiative Attributes](#); and

13 i. ~~Attorneys representing parents in termination of parental rights cases shall have~~
14 ~~either six months' dependency experience or significant experience in handling~~
15 ~~complex litigation.~~

16 **iii. All Family Defense Attorneys:**

17 **1. Must complete an orientation training on dependency, guardianship,**
18 **and termination law.** Where a contracted provider has an identified
19 supervising attorney, the supervising attorney may provide this
20 orientation. Where a contracted provider does not have an identified
21 supervising attorney, this orientation shall be provided by the contracting
22 agency.

23 **2. Must have proficiency.** Where a contracted provider does not have a
24 supervising attorney, the contracting agency must perform an
25 assessment of proficiency and the need for any further orientation or
26 consultation before the contracted attorney can conduct any fact-finding

1 or evidentiary hearing on their own. To be assessed as proficient and able
2 to effectively fulfill the duties of representing families in dependency
3 courts, the contracting agency shall consider, at a minimum, the
4 following:

5 i. The number of years of experience doing complex litigation.

6 ii. The number of years of dependency experience.

7 iii. Whether the attorney has experience using experts in
8 dependency or termination proceedings.

9 iv. Education, certification, or other demonstrated proficiency in
10 child welfare.

11 v. Whether they have previously acted as lead counsel in any of the
12 following proceedings:

13 1. Shelter Care

14 2. Dependency Fact Finding

15 3. Title 13 Guardianship or

16 4. Termination Trial.

17 For attorneys who do not have a supervising attorney and who have been
18 assessed by a contracting agency as lacking proficiency to handle a fact-
19 finding or other evidentiary hearing on their own, the Office of Civil Legal
20 Aid and the Office of Public Defense shall provide a consultation program
21 for that attorney that:

22 i. Is consistent with RPCs regarding confidentiality, including but
23 not limited to RPC 1.6

24 ii. Is designed to assist attorneys new to family defense in
25 dependency, guardianship and termination cases, and
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iii. Will allow consultants to provide technical assistance and additional representation to parents or children assigned to the attorney.

be. Civil Commitment Cases [Unchanged.]

cd. Representing Clients Acquitted by Reason of Insanity [Unchanged.]

de. Sex Offender Commitment Cases [Unchanged.]

ef. Contempt of Court Cases [Unchanged.]

5. – 6. [Unchanged.]

STANDARD FIFTEEN – NINETEEN [Unchanged.]

1 Clean Copy:

2 **DEFINITIONS**

3 1. [Unchanged.]

4 2. Case – A “case” is a new court filing or action that names a person who is eligible for appointment of a
5 public defense attorney; for example, an adult criminal charging instrument; a juvenile court offender or
6 BECCA petition; a dependency, Title 13 guardianship, or termination of parental rights petition; a civil
7 commitment petition; or an appeal. For additional explanation in relation to caseload capacity, refer to
8 Standards 3.H and 3.I.

9 3. – 7. [Unchanged.]

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13 with a degree in Social Work (or allied field) who provides professional services to assist the attorney and
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22 [Unchanged.]

23 **STANDARD TWO: Duties and Responsibilities of Counsel**

24 [Unchanged.]

25 **STANDARD THREE: Caseload Limits and Types of Cases**

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1 3.A. – 3.G. [Unchanged.]

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5 petition; a dependency, Title 13 guardianship, or termination of parental rights petition; a civil
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7 3.I. – 3.J. [Unchanged.]

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14 more than 40 open and active family defense cases at any given time. State agencies responsible for
15 administering family defense representation may adopt case weighting standards not inconsistent with
16 these standards. A supervising attorney assigned as co-counsel may count that client or case towards their
17 total under this rule.

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19

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21

22 3.O. Implementation of Standards

23

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¹⁷ The standards under this subsection, with the exception of family defense caseload standards, are under review. To provide guidance in the interim, the prior standards are included only until revisions are approved.

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13 attorney shall be assigned cases constituting no more than 280 misdemeanor case credits. Beginning July
14 2, 2025, family defense attorneys shall not represent more than 45 family defense clients or carry more
15 than 60 open and active cases at any given time.

16
17 Phase 2:

18 Beginning July 2, 2026, within the twelve months following, each full-time felony attorney shall be
19 assigned cases constituting no more than 90 felony case credits and each full-time misdemeanor attorney
20 shall be assigned cases constituting no more than 225 misdemeanor case credits. Beginning July 2, 2026,
21 family defense attorneys shall not represent more than 35 family defense clients or carry more than 40
22 open and active cases at any given time.

23
24 Phase 3:

25
26

1 Beginning July 2, 2027, and for any twelve-month period following, each full-time felony attorney shall be
2 assigned cases constituting no more than 47 felony case credits and each full-time misdemeanor attorney
3 shall be assigned cases constituting no more than 120 misdemeanor case credits.

4
5 **STANDARD FOUR: Responsibility for Expert Witnesses**

6 ***Standard:***

7 4.A. [Unchanged]

8 4.B. Mitigation Specialists, Social Workers

9 Mitigation specialists and social workers shall be made readily available to public defense attorneys to
10 provide support, such as release plans, treatment services, housing, health care, and to develop
11 dispositional and sentencing alternatives.

12 In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist or social
13 worker shall be provided for every three full-time attorneys. Public defense agencies shall make
14 meaningful progress towards this ratio prior to July 3, 2028.¹⁸ Attorneys representing clients in post-
15 adjudication phases may require different resources. Public defense agencies that do not employ a
16 sufficient number of mitigation specialists or social workers to meet this ratio shall enter into contracts
17 with additional mitigation specialists or social workers to provide the same resource level.

18 For public defense agencies responsible for administering the funding for parent representation, by July
19 3, 2028, a minimum of one full-time family defense social worker or family defense social service worker
20 shall be provided for every one full-time attorney representing parents in family defense proceedings, on
21 a pro rata basis according to the size of the contract. Public defense agencies responsible for administering

22 _____
23 ¹⁸ Support staff necessary for effective representation “includes one supervisor for every ten attorneys;
24 one investigator for every three attorneys; one social service caseworker for every three attorneys; one
25 paralegal for every four felony attorneys; and one secretary for every four felony attorneys.” Bureau of
26 Justice Assistance, United States Department of Justice’s *Keeping Defender Workloads Manageable*, 10
(2001), available at <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>. See also, National Association for
Public Defense Policy Statement on Public Defense Staffing (May 2020), available at
<https://publicdefenders.us/resources/policy-statement-on-statement-on-public-defense-staffing/>.

1 the funding for parent’s defense shall make meaningful progress towards the ratio of one full-time family
2 defense social worker or family defense social service worker for every one full-time parent’s defense
3 attorney prior to July 3, 2028. Public defense agencies responsible for administering the funding for child
4 and youth representation shall ensure that adequate social work support services are made available to
5 meet the case and support needs of children and youth in family defense cases.

6 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies
7 do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication
8 phases may require different resources.

9 Public defense attorneys under contract or in assigned counsel systems should have access to mitigation
10 specialists and social workers, consistent with 4.A.

11 4.C. – 4.E. [Unchanged.]

12
13 **STANDARD FIVE – SEVEN [Unchanged.]**

14
15 **STANDARD EIGHT: Reports of Attorney Activity**

16 ***Standard:***

17 Jurisdictions and family defense contracting agencies shall require all public defense attorneys to use a
18 case-reporting and management information system that includes the number and types of assigned
19 cases, attorney hours, and case dispositions. Data from these systems should be routinely reported to
20 public defense administrators in a manner in which confidential, secret, and otherwise non-public
21 information are not disclosed. Consistent with Standard Eleven, public defense administrators should
22 review these reports on a regular basis to monitor compliance with these Standards.

23 For attorneys under contract, payment should be made monthly, or at times agreed to by the parties,
24 without regard to the number of cases closed in the period.

25
26 **STANDARD NINE: Training**

1 [Unchanged.]

2
3 **STANDARD TEN: Supervision**

4 ***Standard:***

5 10.A. General Provisions.

6 In public defense agencies and contracted private law firms, a minimum of one full-time supervisor should
7 be employed for every ten full-time public defense attorneys or one half-time supervisor for every five
8 public defense attorneys. Full-time supervisors should not carry caseloads, but supervisors may act as co-
9 counsel in a limited number of cases to provide mentoring and training experience for their supervisees.
10 Part-time supervisors should limit their caseloads on a pro-rata basis. Supervisors should have training in
11 personnel management and supervision. Supervisors should be qualified under Standard 14 for the
12 practice area(s) they are supervising.

13 10.B. Supervision for Family Defense Representation

14 Supervising Attorney Standard: Where a contracted provider is contracted for more than one full-time
15 equivalent (FTE), they shall designate one full-time supervising attorney for every ten full-time family
16 defense attorneys. A parttime supervising attorney should limit their caseload on a pro-rata basis.
17 Supervisors may act as co-counsel in a limited number of cases to provide mentoring and training
18 experience for their supervisees. To be a supervising attorney for family defense cases, the attorney must
19 meet the criteria as set forth in Standard 14.C.4.a. Where a contracted provider is contracted for one FTE
20 or less, the Office of Public Defense or the Office of Civil Legal Aid shall make available programs to support
21 co-counsel opportunities, mentoring programs, or training experiences, as set forth in Standard 14.

22
23 **STANDARD ELEVEN – STANDARD THIRTEEN [Unchanged.]**

24
25 **STANDARD FOURTEEN: Qualifications of Attorneys**

26 ***Standard:***

1 14.A. – 14.B. [unchanged]

2 14.C. Attorneys’ Qualifications by Category/Type of Case and Representation Type (Trial or Appellate)

3 1. – 3. [unchanged]

4 **4. Civil Cases – Trial Court Cases**

5 **a. Family Defense Cases –**

6 **i. Youth** – Each lead counsel representing children and youth in a family defense
7 matter shall meet the following requirements:

- 8 1. Meet the minimum requirements set forth in Section 14.A; and
- 9 2. Abide, at minimum, by the *Representation of Children and Youth in*
10 *Dependency Cases Practice, Caseload and Training Standards*, (Rev. Sept.
11 2022),¹⁹ established in accordance with Section 9, Chapter 210, Laws of
12 2021 and adopted by the Washington State Supreme Court Commission
13 on Children in Foster Care.

14 **ii. Parents and Respondents in Family Defense Cases** – Each counsel representing
15 parents in a family defense matter shall meet the following requirements:

- 16 1. Meet the minimum requirements as outlined in Section 14.A; and
- 17 2. Be familiar with the *American Bar Association Standards of Practice for*
18 *Attorneys Representing Parents in Abuse and Neglect Cases and the*
19 *Family Justice Initiative Attributes*.

20 **iii. All Family Defense Attorneys:**

- 21 **1. Must complete an orientation training on dependency, guardianship,**
22 **and termination law.** Where a contracted provider has an identified
23 supervising attorney, the supervising attorney may provide this
24

25 ¹⁹ Available at: <https://www.courts.wa.gov/subsite/CommFC/docs/revised%20practice%20standards%20for%20representation%20of%20children%20and%20youth%20in%20dependency%20cases.pdf>.

1 orientation. Where a contracted provider does not have an identified
2 supervising attorney, this orientation shall be provided by the contracting
3 agency.

4 **2. Must have proficiency.** Where a contracted provider does not have a
5 supervising attorney, the contracting agency must perform an
6 assessment of proficiency and the need for any further orientation or
7 consultation before the contracted attorney can conduct any fact-finding
8 or evidentiary hearing on their own. To be assessed as proficient and able
9 to effectively fulfill the duties of representing families in dependency
10 courts, the contracting agency shall consider, at a minimum, the
11 following:

- 12 i. The number of years of experience doing complex litigation.
- 13 ii. The number of years of dependency experience.
- 14 iii. Whether the attorney has experience using experts in
15 dependency or termination proceedings.
- 16 iv. Education, certification, or other demonstrated proficiency in
17 child welfare.
- 18 v. Whether they have previously acted as lead counsel in any of the
19 following proceedings:

- 20 1. Shelter Care
- 21 2. Dependency Fact Finding
- 22 3. Title 13 Guardianship or
- 23 4. Termination Trial.

24 For attorneys who do not have a supervising attorney and who have been
25 assessed by a contracting agency as lacking proficiency to handle a fact-
26 finding or other evidentiary hearing on their own, the Office of Civil Legal

1 Aid and the Office of Public Defense shall provide a consultation program
2 for that attorney that:

- 3 i. Is consistent with RPCs regarding confidentiality, including but
4 not limited to RPC 1.6
- 5 ii. Is designed to assist attorneys new to family defense in
6 dependency, guardianship and termination cases, and
- 7 iii. Will allow consultants to provide technical assistance and
8 additional representation to parents or children assigned to the
9 attorney.

10 **b. Civil Commitment Cases** [Unchanged.]

11 **c. Representing Clients Acquitted by Reason of Insanity** [Unchanged.]

12 **d. Sex Offender Commitment Cases** [Unchanged.]

13 **e. Contempt of Court Cases** [Unchanged.]

14 **5. – 6.** [Unchanged.]

15
16 **STANDARD FIFTEEN – NINETEEN** [Unchanged.]

**Suggested Amendments to
CrR 3.1/CrRLJ 3.1/JuCR 9.2**

STANDARDS FOR INDIGENT DEFENSE¹

Preamble

The Washington Supreme Court adopts the following Standards to address certain basic elements of public defense practice related to the effective assistance of counsel. The Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/ CrRLJ 3.1/ JuCR 9.2/~~MPR 2.1~~ references specific Applicable Standards. The Court adopts additional Standards beyond those required for certification as guidance for public defense attorneys in addressing issues identified in *State v. A.N.J.*, 168 Wn.2d 91 (2010), including the suitability of contracts that public defense attorneys may negotiate and sign. To the extent that certain Standards may refer to or be interpreted as referring to local governments, the Court recognizes the authority of its Rules is limited to attorneys and the courts. Local courts and clerks are encouraged to develop protocols for procedures for receiving and retaining Certifications.

Definitions

¹ These suggested amendments to the Standards for Indigent Defense incorporate amendments previously proposed by WSBA on March 21, 2024, and which have been published by the Court for public comment in Order 25700-A-1568. Proposed appendices to the Standards have been omitted. No changes are suggested to the proposed appendices. The present suggested amendments address the Standards as applied to family defense representation. Modifications not already included in the proposed amendments submitted on March 21, 2024, are marked with double underline or double strikethrough.

1 1. Assigned Counsel – Attorneys who provide public defense services in a local jurisdiction
2 who are not employees of a Public Defense Agency, often without a formal contract frequently
3 referred to as panel or conflict attorneys.

4 2. Case – A case is a new court filing or action that names a person who is eligible for
5 appointment of a public defense attorney for example, an adult criminal charging instrument,
6 a juvenile court offender or BECCA petition, a dependency or termination of parental rights
7 petition, a civil commitment petition, or an appeal. For additional explanation in relation to
8 caseload capacity, refer to Standards 3.H and 3.I.

9 3. Case Weighting/Credits – A case weighting system assigns higher and lower values or
10 weighted case credits to assigned cases based on the amount of time that is typically required
11 to provide effective representation.

12 4. Caseload – The number of cases assigned to a public defense attorney in a 12-month
13 period.

14 5. Co-counsel – An additional public defense attorney assigned to a case with the originally
15 assigned attorney (lead counsel).

16 6. Defense Investigator – A non-lawyer legal professional who guides and executes the
17 defense investigation of a client's case. Defense Investigators perform substantive work that
18 requires full knowledge of court proceedings, court rules, and Washington State law. A Defense
19 Investigator's review of case evidence requires an understanding of government investigative
20 procedures and regulations, a familiarity with forensic disciplines, the aptitude to stay current
21 with advancements in technology, and an ability to ascertain factual discrepancies. They may
22 interview witnesses identified by the police investigation, as well as identify, locate, and
23 interview witnesses unknown to the State. Defense Investigators may gather evidence useful to

1 the defense by recording witness statements, conducting field investigations, photographing the
2 crime scene, gathering records, and taking screenshots of online materials. A Defense
3 Investigator s preservation of evidence is critical to trial preparations, as they can testify to lay
4 the foundation for that evidence, as well as explain case details and assist with impeachment of
5 witnesses. The use of a Defense Investigator is not limited to criminal cases. Defense
6 Investigators are also important professionals in Dependency proceedings, Sexual Offender
7 Commitment petitions, and other proceedings that affect a client s liberty or other
8 constitutionally protected interest.

9 7. Experts – Individual persons, firms, or businesses who provide a high level of knowledge
10 or skill in a particular subject matter, such as DNA or crime scene analyses, and assist public
11 defense attorneys in providing legal representation for their client.

12 8. Family Defense – Family defense is the practice of representing all people statutorily and
13 constitutionally entitled to legal representation in cases under RCW 13.34, 13.36, and 13.38, et
14 seq.

15 9. Family Defense Social Worker or Family Defense Social Service Worker – A family
16 defense professional with a degree in Social Work (or allied field) who provides professional
17 services to assist the attorney and to help meet the basic and complex needs of the client. At the
18 discretion of the agency or firm, individuals without a degree in Social Work (or other field),
19 but who can demonstrate lived or professional experience in the dependency system may serve
20 the same role with the title of Family Defense Social Service Worker.

21 §10. Flat Fee Agreement – A contract or informal policy agreement where a private attorney or
22 firm agrees to handle an unlimited number of cases for a single flat fee.

1 911. Fully Supported Defense Attorneys – Public defense attorneys who meet or exceed
2 Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of these *Standards*.

3 ~~10~~12. Jurisdictions – State, county and city entities that provide public defense services.

4 ~~11~~13. Legal Assistant – A non-lawyer legal professional who assists the attorney with
5 administrative tasks. Legal Assistants often are responsible for filing pleadings generated by
6 the lawyer or paralegal and ensuring the timely processing of mail and legal documents to meet
7 court mandated deadlines. They may answer phones and assist with communications between
8 the defense team, clients, defense experts, witnesses, and others. Some Legal Assistants are
9 responsible for calendaring, opening and closing case files, updating case management systems,
10 processing legal discovery (electronic or otherwise), and ensuring that critical information is
11 accurately conveyed and recorded, if needed.

12 ~~12~~14. Lead Counsel – A lead counsel is the main lawyer in charge of a case. They are usually
13 the most experienced and manage any other lawyers working on the case.

14 ~~13~~15. Mitigation Specialist – A mental health professional, a social worker, or social services
15 provider, with specialized training or experience who gathers biographical, medical, and family
16 history of the client to assist the lawyer, including preparing a document to inform the court
17 and/or prosecutor or State of factors in the client’s life. Mitigation Specialists also help clients
18 navigate social service support and prepare for assessments.

19 ~~14~~16. Open Caseload – The number of assigned cases a public defender has that are actively
20 open. Open Caseload is a day-in-time snapshot of a public defender’s caseload whereas,
21 Caseload is the number of assigned cases in a year.

22 ~~15~~17. Paralegal – A non-lawyer legal professional, frequently a graduate of an ABA-approved
23 Paralegal Studies program, who does substantive work that requires familiarity with court

1 proceedings, court rules, and Washington State law. Paralegals are frequently responsible for
2 performing complex legal research and drafting legal documents such as subpoenas, pleadings,
3 and motions and creating discovery binders, preparing exhibits, coordinating witness schedules,
4 and assisting with organization at counsel table. Paralegals may assist the attorney with client
5 communication and act as a liaison with defense experts, prosecutors, bailiffs, and jail officials.
6 They also may track upcoming court hearings, trial dates, and other critical timelines to help
7 with attorney organization.

8 ~~16~~18. Per Case Agreement – A contract or informal policy agreement where a private attorney
9 or firm agrees to handle cases on a flat, per case amount.

10 ~~17~~19. Private Attorneys – An attorney who works in private practice who provides public
11 defense services whether by contract, subcontract, assignment, appointment, or other process.

12 ~~18~~20. Private Firm – For-profit law firm that provides public defense services, whether by
13 contract, subcontract, assignment, appointment, or other process.

14 ~~19~~21. Public Defender – Any person working as or with a public defense attorney, firm, or
15 public defense agency whether an attorney, social worker, office administrator, investigator,
16 mitigation specialist, paralegal, legal assistant, human resources specialist, data analyst, etc.

17 ~~20~~22. Public Defense Administrator – Person, whether attorney or not, who is responsible
18 overall for the administration, management, and oversight of public defense.

19 ~~21~~23. Public Defense Agency – Government and nonprofit offices that only provide public
20 defense representation.

21 ~~22~~24. Public Defense Attorney – A private attorney, attorney working in a private firm, or an
22 attorney working in a public defense agency who is assigned to represent individuals who are
23

1 indigent or indigent and able to contribute and have a statutory or constitutional right to court-
2 assigned counsel.

3 ~~23~~25. Reasonable Compensation – Market rate for similar legal and expert services. Reasonable
4 compensation includes more than attorney wages, salary, benefits, contract payments or hourly
5 rate payments. Reasonable Compensation includes the cost of office overhead (including
6 administrative costs), support staff or services, training, supervision, and other services not
7 separately funded.

8 ~~24~~26. Significant Portion of a Trial – Planning or participating in essential aspects of a trial
9 which includes, but is not limited to, motions in *limine*, jury selection, opening statements, direct
10 and cross examination, motions and objections, preparation of and advocacy for jury
11 instructions, and closing arguments.

12 ~~25~~27. Social Worker – A public defense professional with a master’s degree in Social Work
13 who provides professional services to assist the attorney and to help meet the basic and complex
14 needs of the client. Often, this can involve enrolling in health care or other government support
15 services.

16 ~~26~~28. Trial Academy – An organized trial training program of at least 20 hours of sessions that
17 is presented by the Washington State Office of Public Defense, the Washington Defender
18 Association, the Washington Association of Criminal Defense Attorneys, the National
19 Association of Criminal Defense Lawyers, the National Institute for Trial Advocacy, the
20 National Association for Public Defense, the Gault Center, the National Criminal Defense
21 College, Gideon’s Promise, or any other organization approved for CLE training by the
22 Washington State Bar Association. A trial academy must include defender skills training that
23 may encompass motion practice, opening and closing statements, objections, preserving issues

1 for appeal, direct and cross examination, race bias, client communication, theory of the case,
2 jury selection, and other topics.

3 ~~2729.~~ Workload – The amount of work a public defense attorney has, including direct client
4 representation and work not directly attributable to the representation of a specific client,
5 including, for example, administration, supervision, and professional development.

6
7 **Standard 1: Compensation**

8 ~~RESERVED~~

9 **Standard:**

10 1.A. Public Defense Agency Salaries and Benefits.

11 Employees at public defense agencies shall be compensated at a rate commensurate with their
12 training and experience. Compensation and benefit levels shall be comparable to those of
13 attorneys and staff in prosecution or other opposing party offices in the area. Compensation
14 shall also include necessary administrative costs described in Standard Five, support services
15 costs described in Standard Seven, and training and supervision costs described in Standards
16 Nine and Ten.

17 1.B. Contract and Assigned Counsel Compensation.

18 Compensation for public defense attorneys in contract and assigned counsel systems shall
19 reflect the professional experience, time, and labor required for effective and quality
20 representation. Compensation shall also be based on the comparable compensation and benefits
21 associated with prosecution or other opposing party offices in the area. Compensation shall also
22 include necessary administrative costs described in Standard Five, support services costs

1 described in Standard Seven, and training and supervision costs described in Standards Nine
2 and Ten.

3 Reasonable compensation shall be provided whether the work is for full-time or part-time public
4 defense attorneys. Reasonable contract or assigned counsel compensation rates shall be set at
5 least on a pro rata basis consistent with the attorney's percentage of a full caseload (see Standard
6 3). For example, if a jurisdiction allocates 280,000 per year per full-time equivalent (FTE)
7 prosecuting attorney for all costs associated with that FTE, including but not limited to
8 combined salary, benefits, support staff, administrative, information technology, insurance, bar
9 dues, training, and facilities expenses, then a contract for one-fourth of a full-time public
10 defense caseload should be at least 70,000.

11 Contracts and government budgets shall recognize the need to provide reasonable compensation
12 for all public defense attorneys, including but not limited to, those attorneys who are on call,
13 staff court calendars, or staff specialty or therapeutic courts.

14 1.C. Flat Fee and Per Case Compensation Agreements.

15 Attorneys shall not engage in flat fee or per case compensation contracts or agreements. These
16 compensation structures create an actual conflict for the public defense attorney.²

17 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(ii), public defense
18 attorneys shall not make or participate in making an agreement with a governmental entity for
19 _____

20 ² Counsel should not be paid on a flat fee basis, as such payment structures reward counsel for doing
21 as little work as possible. [ABA Ten Principles of a Public Defense Delivery System](#), Principle 2:
22 Funding, Structure, and Oversight, n. 6 (August 2023) (citing *Wilbur v. Mt. Vernon*, No. C11-1100RSL,
23 .S.D.C. D. Wash., at 15 (Dec. 4, 2013) (district court finding that a flat fee contract left the defenders
compensated at such a paltry level that even a brief meeting at the outset of the representation would
likely make the venture unprofitable.))

1 the delivery of indigent defense services if the terms of the agreement obligate the contracting
2 lawyer or law firm to bear the cost of providing investigation or expert services, unless a fair
3 and reasonable amount for such costs is specifically designated in the agreement in a manner
4 that does not adversely affect the income or compensation allocated to the lawyer, law firm, or
5 law firm personnel.

6 1.D. Additional Compensation.

7 Consistent with RCW 10.101.060(1)(a)(iv), contracts and policies shall provide for additional
8 compensation over and above the base contract amount(s) for cases that require an extraordinary
9 amount of time and preparation.

10 Situations that require additional compensation include, but are not limited to:

- 11 • Days spent in trial, if no per diem is paid
- 12 • Testimonial motion hearings
- 13 • Interpreter cases
- 14 • Cases involving mental health competency and other issues (RCW 10.77)
- 15 • Cases with extensive discovery
- 16 • Cases that involve a significant number of counts, alleged victims or witnesses
- 17 • Cases requiring consultation with experts, including, for example, immigration legal
18 analysis and advice or DNA testing and analysis.

19 Attorneys should have the opportunity to submit requests for additional compensation for
20 extraordinary cases and the right to appeal an adverse decision to a judicial officer.

21 1.E. Substitute Attorney Costs.

22 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(i), attorneys who have a
23 conflict of interest shall not be required to bear the cost of the new, substituted attorney.

1
2 **Standard 2: Duties and Responsibilities of Counsel**

3 ~~RESERVED~~

4 **Standard:**

5 Jurisdictions that administer public defense services shall ensure that representation be provided
6 in all situations in which the right to counsel attaches, including first appearances and bail
7 decisions, as well as plea negotiations.

8 Representation shall be prompt and delivered in a professional, skilled manner consistent with
9 minimum standards set forth by these Standards for Indigent Defense, the Washington State
10 Bar Association's Standards for Indigent Defense Services, the American Bar Association, the
11 Washington Rules of Professional Conduct, case law and relevant court rules and orders
12 defining the duties of counsel. The applicable WSBA or ABA Performance Guidelines should
13 serve as guidance for attorney performance. The most fundamental responsibility of
14 jurisdictions and public defense attorneys is to promote and protect the stated interests of public
15 defense clients.

16
17 **Standard 3: Caseload Limits and Types of Cases**

18 **Standard:**

19 ~~Standard 3.1.~~ 3.A. The contract or other employment agreement or government budget shall
20 specify the types of cases for which representation shall be provided and the maximum number
21 and types of cases in which each attorney shall be expected to ~~handle~~ provide quality
22 representation.

23 ~~Standard 3.2.~~ 3.B. uality Representation.

1 The maximum caseload or workload of public defense attorneys shall allow each lawyer
2 attorney to give each client the time and effort necessary to ensure effective representation.
3 ~~Neither defender organizations, county offices, contract attorneys nor assigned counsel~~ Public
4 defense attorneys should not enter into contracts requiring caseloads or accept workloads that,
5 by reason of their excessive size, interfere with the rendering of quality representation. If the
6 attorney's caseload or workload prevents providing quality representation,³ public defense
7 attorneys shall take steps to reduce their caseload, including but not limited to seeking co-
8 counsel, reassignment of cases, or requesting a partial or complete stop to additional case
9 assignments or requesting withdrawal from a case(s). If the attorney's workload is within the
10 limits in this standard there is a presumption that they can provide quality representation. As
11 ~~used in this Standard, quality representation is intended to describe the minimum level of~~
12 ~~attention, care and skill that Washington citizens would expect of their state's criminal justice~~
13 ~~system.~~

14 If a public defense agency or nonprofit's workload exceeds the Director's capacity to provide
15 counsel for newly assigned cases, the Director must notify courts and appointing authorities
16
17
18

19 ³ The American Bar Association's Ethics Opinion 06-441 states in part:

20 If workload prevents a lawyer from providing competent and diligent representation to existing clients,
21 she must not accept new clients. If the clients are being assigned through a court appointment system,
22 the lawyer should request that the court not make any new appointments. Once the lawyer is representing
23 a client, the lawyer must move to withdraw from representation if she cannot provide competent and
diligent representation.

Available at https://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/lsc-laid-ethics-opinion-06-441.pdf.

1 that the provider is unavailable to accept additional assignments and must decline to accept
2 additional cases.⁴

3 *Standard 3.3. General Considerations. 3.C. Open Caseload.*

4 The determination of an attorney's ability to accept new case assignments must include an
5 assessment of the impact of their open caseload on their ability to provide quality representation.

6 3.D. Fully Supported, Full-Time Public Defense Attorneys.

7 ~~Caseload limits reflect the maximum caseloads for~~ The maximum caseloads or workloads for
8 public defense attorneys assume an attorney's public defense work is: 1) full-time (exclusively
9 public defense) 2) fully supported 3) full-time defense attorneys for cases of average
10 complexity and effort for in each case type specified and 4). Caseload limits assume a
11 reasonably evenly distributedion of cases throughout the year. Fully supported, full-time
12 defense attorneys are attorneys who meet or exceed Standards Four, Five, Six, Seven, Nine,
13 Ten, Thirteen and Fourteen of these Standards.

14 ~~The increased complexity of practice in many areas will require lower caseload limits. The~~
15 ~~maximum caseload limit should be adjusted downward when the mix of case assignments is~~
16 ~~weighted toward offenses or case types that demand more investigation, legal research and~~
17 ~~writing, use of experts, use of social workers, or other expenditures of time and resources.~~
18 ~~Attorney caseloads should be assessed by the workload required, and cases and types of cases~~
19 ~~should be weighted accordingly.~~

20 3.E. Mix of Case Types and Private Practice.

21
22
23 ⁴ See, [ABA Eight Guidelines of Public Defense Related to Excessive Workloads](#), Guidelines 1, 4, 5, 6, 7, 8 (August 2009).

1 ~~If a public defense attorney accepts appointment to~~ ~~If a defender or assigned counsel is carrying~~
2 ~~a mixed caseload including cases from more than one category of cases~~ case type, ~~thi~~
3 standards should be applied proportionately to determine a maximum full caseload.

4 Attorneys should not accept more public defense cases than the percentage of time their other
5 work and commitments allow. ~~In jurisdictions where assigned counsel or contract attorneys also~~
6 ~~maintain private law practices,~~ The number of public defense cases or case credits ~~easeload~~
7 should be based on the percentage of time ~~the lawyer devotes to~~ available for the attorney to
8 represent public defense clients. Each individual or organization that contracts to perform public
9 defense services for a county or city shall report to the county or city hours billed for nonpublic
10 defense legal services in the previous calendar year, including number and types of private
11 cases.⁵

12 3.F. Attorney Experience.

13 The experience of a particular attorney is a factor in the composition of ~~the~~ cases types in the
14 attorney's caseload, but it is not a factor in adjusting the applicable numerical caseload limits
15 except as follows: attorneys with less than six months of full-time public defense experience as
16 an attorney should not be assigned more than two-thirds of the applicable maximum numerical
17 caseload limit. ~~This provision applies whether or not the public defense system uses case~~
18 ~~weighting.~~

19 3.G. Impact of Public Defense Time Other Than Case Appointments.

20 Assessing an attorney's maximum caseload or workload limit must include accounting for work
21 in addition to new cases assigned. Time spent on vacation, sick leave, holidays, training,
22

23 ⁵ RCW 10.101.050.

1 supervision, administrative duties, and court improvement work groups must also be accounted
2 for.

3 ~~The following types of cases fall within the intended scope of the caseload limits for criminal~~
4 ~~and juvenile offender cases in standard 3.4 and must be taken into account when assessing an~~
5 ~~attorney's numerical caseload: partial case representations, sentence violations, specialty or~~
6 ~~therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for~~
7 ~~conditional release or final discharge, and other matters that do not involve a new criminal~~
8 ~~charge.~~

9 3.H. Definition of case.

10 ~~A _case_ is defined as the a new court filing or action that of a document with the court namesing~~
11 ~~a person who is eligible for appointment of a public defense attorney for example, an adult~~
12 ~~criminal charging instrument, a juvenile court offender or BECCA petition, a dependency,~~
13 ~~Title 13 guardianship, or termination of parental rights petition, a civil commitment petition,~~
14 ~~or an appeal as defendant or respondent, to which an attorney is appointed in order to provide~~
15 ~~representation. In courts of limited jurisdiction multiple citations from the same incident can be~~
16 ~~counted as one case.~~

17 3.I Adult Criminal and Juvenile Court Offender Trial Court Cases

18 1. Adult Criminal and Juvenile Court Offender Cases

19 a. An attorney appointed to an Adult Criminal or Juvenile Court Offender case receives the
20 case weight/credit or hours credit toward the attorney's annual caseload that is listed in Standard
21 3.J. and in the Appendix. In multi-count cases, the charge with the highest case category dictates
22 the case's credit or hourly value. If the highest charge is amended or otherwise changed to a
23 charge that is more serious than originally charged, the attorney(s) shall receive the additional

1 case credit value. In the event a charge is amended to a less serious charge, the attorney shall
2 still be given caseload credit for the original, higher charge as of the time the attorney was
3 appointed to the case.

4 b. A charging document filed against a client arising out of a single event or series of events
5 and being prosecuted together is presumed to be one case. Determining whether a case number
6 is one or multiple cases is determined by the supervisor or appointing agency after reviewing
7 the charging information, amended charging documents, or an order to sever counts.

8 2. Reappointment. Reappointment of the previously appointed attorney to a case in which a
9 bench warrant was issued does not count as a new case if the warrant was issued within the
10 twelve months prior to the reappointment. New case credits can be awarded as approved by a
11 supervisor or appointment authority on a case-by-case basis.

12 3. Partial Representation. The following must be taken into account when assessing an
13 attorney's numerical caseload or when adjusting case credits assigned to attorney: partial case
14 representations (cases in which an attorney withdraws or is substituted pursuant to CrR 3.1(e)
15 and CrRLJ 3.1(e)), sentence or probation violations, cases in specialty or therapeutic courts,
16 transfers, extraditions, representations of material witnesses, pretrial advice including on-call
17 availability, petitions for conditional release or final discharge, and other matters that do not
18 involve a new criminal charge. Time spent by attorneys representing multiple clients on first
19 appearance, arraignment, or other calendaring hearings must be accounted for in reducing the
20 number of maximum trial cases that can be assigned.

21 a. Transferred Case. When a public defense attorney's representation ends prior to the entry
22 of a final order or judgment (for example, attorney withdrawal pursuant to CrR 3.1(e) or CrRLJ
23

1 3.1(e), the supervising attorney or appointing authority shall determine the case credit value to
2 be awarded to each attorney based on the amount of time each attorney contributes.

3 b. Co-Chairs. When two or more lawyers are assigned as co-chairs, the supervising attorney
4 or appointing authority shall determine the case credit value to be awarded to each attorney
5 based on the amount of time each attorney contributes, including mentoring by the non-
6 Supervisor Lead Counsel.

7 c. Transferred and Co-Chaired cases frequently take more time to complete than the average
8 case. Additional credits may need to be applied. For the case category Felony High - Murder
9 and Felony High – LWOP case types, there is a presumption that two or more lawyers will be
10 assigned as co-chairs.

11 d. Court Calendar Positions.

12 i. Specialty or Therapeutic Courts: a criminal case resulting in admission to a Specialty or
13 Therapeutic Court generally should not count as a case for the attorney covering the Specialty
14 or Therapeutic Court. The case credit shall be applied exclusively to the originally assigned
15 attorney(s) prior to the transfer into a Specialty or Therapeutic Court.

16 ii. Calendar Coverage: A criminal case appearing on a calendar where an attorney provides
17 partial representation with no expectation of additional representation after the initial hearing
18 shall not count as a case for the attorney covering the court calendar. This partial representation
19 can include but is not limited to representing clients on: probable cause or first appearance
20 calendars arraignment calendars failures to appear, warrant return, quash, and
21 recommencement of proceedings calendars preliminary appointments in cases in which no
22 charges are filed extradition calendars and other matters or representations of clients that do
23 not involve new criminal charges.

1 iii. Court Calendar Attorney Time: The workload of Specialty and Therapeutic Court attorneys
2 and attorneys designated, appointed, or contracted to represent groups of clients on a court
3 docket, without an expectation of further or continuing representation, shall be assessed and
4 subtracted from the annual, assumed 1,650 hours monitored by the supervising attorney or
5 appointing authority to ensure the attorney does not work more than 1,650 hours in a 12-month
6 period.

7 4. Probation Violation Cases. Appointment of a public defense attorney to represent a person
8 on one or more original case numbers where a probation violation(s) or show cause order(s) has
9 been filed is presumed to count as 1/3 credit of the Felony or Misdemeanor Case Credit.
10 Additional case credits can be awarded as approved by a supervisor or appointing authority on
11 a case-by-case basis.

12 3.J. Maximum Case Credit Limit for Adult Criminal and Juvenile Court Offender Cases Each
13 Year.

14 This Section shall be implemented according to the schedule in Section 3.O.

15 The maximum number of case credits for a fully supported, full-time public defense attorney
16 each calendar year is based on an assumed 1650-hour case-related hours available each year.

17 This number represents the assumed time an attorney in Washington has available each year to
18 devote to public defense clients' representation. It excludes annual time for leave (for example,
19 vacation, sick, PTO, FMLA) holidays, CLEs and training, supervision, and other time that is
20 not case-related).⁶

21 _____
22 ⁶ See National Public Defense Workload Study, p. 99 (2023). In addition, the Washington Defender
23 Association Indigent Defense Standards (1989) states: An accepted standard for attorneys is to work
24 1650 billable hours per year. [https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-
Standards-with-Commentary_18.12.06.pdf](https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-Standards-with-Commentary_18.12.06.pdf). Similarly, a study for the Massachusetts Committee for
Public Counsel Services determined that an appropriate number of hours to spend directly representing

1 The maximum annual caseload case credits for each category of Adult Criminal and Juvenile
2 Court Offender cases are based on the National Public Defense Workload Study (September
3 2023).⁷

4 ~~Standard 3.4 Caseload Limits: The caseload of a full-time public defense attorney or assigned~~
5 ~~counsel shall not exceed the following:~~

6 ~~150 felonies per attorney per year or~~

7 ~~300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a~~
8 ~~numerical case weighting system as described in this standard, 400 cases per year or~~

9 ~~250 juvenile offender cases per attorney per year or~~

10 ~~80 open juvenile dependency cases per attorney or~~

11 ~~250 civil commitment cases per attorney per year or~~

12 ~~1 active death penalty trial court case at a time plus a limited number of non-death penalty cases~~
13 ~~compatible with the time demand of the death penalty case and consistent with the professional~~
14 ~~requirements of standard 3.2 or~~

15 ~~36 appeals to an appellate court hearing a case on the record and briefs per attorney per year.~~

16 ~~(The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an~~
17 ~~average length of 350 pages. If attorneys do not have significant appellate experience and/or~~

18

19

20 clients per year is 1,662 hours, after deducting holidays, vacation time, training, and non-case duties.
21 Center for Court Innovation, *The Committee for Public Counsel Services Answering Gideon's Call*
22 *Project (2012-DB-BX-0010) Attorney Workload Assessment 12* (Oct. 2014), available
at [https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-](https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-Assessment.pdf)
[Workload- Assessment.pdf](https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-Assessment.pdf).

23 ⁷ National Public Defense Workload Study, p. 85 (2023)

1 ~~the average transcript length is greater than 350 pages, the caseload should be accordingly~~
2 ~~reduced.)~~

3 ~~Full time rule 9 interns who have not graduated from law school may not have caseloads that~~
4 ~~exceed twenty five percent (25) of the caseload limits established for full time attorneys.~~

5 ~~In public defense systems in which attorneys are assigned to represent groups of clients at first~~
6 ~~appearance or arraignment calendars without an expectation of further or continuing~~
7 ~~representation for cases that are not resolved at the time (except by dismissal) in addition to~~
8 ~~individual case assignments, the attorneys' maximum caseloads should be reduced~~
9 ~~proportionally recognizing that preparing for and appearing at such calendars requires~~
10 ~~additional attorney time. This provision applies both to systems that employ case weighting and~~
11 ~~those that do not.~~

12 ~~Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment~~
13 ~~docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the~~
14 ~~law, as well as thorough communication with clients, and must be counted as one case. This~~
15 ~~provision applies both to systems that employ case weighting and those that do not.~~

16 ~~In public defense systems in which attorneys are assigned to represent groups of clients in~~
17 ~~routine review hearing calendars in which there is no potential for the imposition of sanctions,~~
18 ~~the attorneys' maximum caseloads should be reduced proportionally by the amount of time they~~
19 ~~spend preparing for and appearing at such calendars. This provision applies whether or not the~~
20 ~~public defense system uses case weighting.~~

21 The maximum annual caseload for a full-time **felony** attorney is 47 case credits.

22 **Case credits** for each Felony case category appointment shall be as follows (see the Appendix
23 for case types falling within each category):

1 Felony High-LWOP:⁸ 8

2 Felony High-Murder: 7

3 Felony High-Sex: 5

4 Felony High: 3

5 Felony Mid: 1.5

6 Felony Low: 1

7 The maximum annual caseload for a full-time **misdemeanor** attorney is 120 case credits.

8 Case credits for each Misdemeanor case category appointment shall be as follows:

9 Misdemeanor High: 1.5

10 Misdemeanor Low: 1

11 If a case resolves relatively quickly, before an attorney has done significant work on the matter,
12 the attorney will be credited with a proportional, reduced amount of the credits initially
13 assigned.

14 3.K. Other Case Types.⁹

15 Appeals. 36 appeals to an appellate court hearing a case on the record and briefs per attorney
16 per year. (The 36 standard assumes experienced appellate attorneys handling cases with
17 transcripts of an average length of 350 pages. If attorneys do not have significant appellate
18 experience and/or the average transcript length is greater than 350 pages, the caseload should
19 be accordingly reduced.)

20

21

22 ⁸ Felony-High LWOP does not apply to Juvenile Court Offender cases.

22

23 ⁹ The standards under this subsection, with the exception of family defense caseload standards, are under
24 review. To provide guidance in the interim, the prior standards are included only until revisions are
approved.

24

1 Family Defense. Family defense attorneys shall not represent more than 35 family defense
2 clients or carry more than 40 open and active family defense cases at any given time. State
3 agencies responsible for administering family defense representation may adopt case weighting
4 standards not inconsistent with these standards. A supervising attorney assigned as co-counsel
5 may count that client or case towards their total under this rule. ~~80 open juvenile~~
6 ~~dependency/termination of parental rights for parent and child(ren) representation per attorney~~
7 ~~per year.~~

8 Civil Commitment. 250 Civil Commitment cases per attorney per year.

9 ~~*Standard 3.5. Case Counting and Weighting. Attorneys may not count cases using a case*~~
10 ~~*weighting system, unless pursuant to written policies and procedures that have been adopted*~~
11 ~~*and published by the local government entity responsible for employing, contracting with, or*~~
12 ~~*appointing them. A weighting system must:*~~

13 ~~*A. recognize the greater or lesser workload required for cases compared to an average case*~~
14 ~~*based on a method that adequately assesses and documents the workload involved-*~~

15 ~~*B. be consistent with these Standards, professional performance guidelines, and the Rules of*~~
16 ~~*Professional Conduct-*~~

17 ~~*C. not institutionalize systems or practices that fail to allow adequate attorney time for quality*~~
18 ~~*representation-*~~

19 ~~*D. be periodically reviewed and updated to reflect current workloads and*~~

20 ~~*E. be filed with the State of Washington Office of Public Defense.*~~

21 ~~*Cases should be assessed by the workload required. Cases and types of cases should be weighted*~~
22 ~~*accordingly. Cases which are complex, serious, or contribute more significantly to attorney*~~
23

workload than average cases should be weighted upwards. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

3.L. Additional Considerations.

1. Caseload limits require a reasonably even number of case appointments each month, based on the number of cases appointed in prior months.

2. Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

~~**Standard 3.6. Case Weighting Examples.** The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.~~

~~**A. Case Weighting Upwards:** Serious offenses or complex cases that demand more than average investigation, legal research, writing, use of experts, use of social workers and/or expenditures of time and resources should be weighted upwards and counted as more than one case.~~

~~**B. Case Weighting Downward:** Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.~~

1 ~~i. Cases that result in partial representations of clients, including client failures to appear and~~
2 ~~recommencement of proceedings, preliminary appointments in cases in which no charges are~~
3 ~~filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited~~
4 ~~appearances for a specific purpose (not including representations of multiple cases on routine~~
5 ~~dockets).~~

6 ~~ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges,~~
7 ~~including sentence violations, extraditions, representations of material witnesses, and other~~
8 ~~matters or representations of clients that do not involve new criminal charges. Non-complex~~
9 ~~sentence violations should be weighted as at least 1/3 of a case.~~

10 ~~iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the~~
11 ~~client against the underlying charges before or after the client's participation in the specialty or~~
12 ~~therapeutic court. However, case weighting must recognize that numerous hearings and~~
13 ~~extended monitoring of client cases in such courts significantly contribute to attorney workload~~
14 ~~and in many instances such cases may warrant allocation of full case weight or more.~~

15 ~~iv. Representation of a person in a court of limited jurisdiction on a charge which, as a matter~~
16 ~~of regular practice in the court where the case is pending, can be and is resolved at an early~~
17 ~~stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or~~
18 ~~other alternative noncriminal disposition that does not involve a finding of guilt. Such cases~~
19 ~~should be weighted as at least 1/3 of a case.~~

20 3.M. Full-Time Rule 9 Interns.

21 Rule 9 interns who have not graduated from law school may not have caseloads or workloads
22 that exceed twenty-five percent (25 %) of the maximum limits established for full-time
23 attorneys.

1 3.N. Attorneys in Jurisdictions that Do Not Follow Case Credit System in Standard 3.J.
2 Attorneys in jurisdictions that do not use the case credit system in Standard 3.J shall be
3 employed by, contract with, or be appointed by the local government entity responsible for
4 those functions only if the jurisdiction has adopted and published a numerical caseload or
5 workload maximum that is consistent with the caseload and workload limits set in Standard 3.J.
6 Such a caseload or workload maximum must:
7 a) Recognize the greater or lesser workload required for cases compared to an average based
8 on a method that adequately assesses and documents the workload involved
9 b) Be consistent with these Standards, professional performance guidelines, and the Rules of
10 Professional Conduct
11 c) Not institutionalize systems or practices that fail to allow adequate attorney time for
12 competent and diligent representation
13 d) Be periodically reviewed and updated to reflect current workloads and be filed with the
14 State of Washington Office of Public Defense.

15 3.O. Implementation of Standards.

16 Standard 3 shall be implemented in phases and shall go into effect on July 2, 2025. The 2024
17 revisions to these Indigent Defense Standards shall be implemented on the following schedule:
18 Until July 2, 2025, the caseload standards as adopted in pre-existing *WSBA Standards of*
19 *Indigent Defense Services* and *Court Rule Standards of Indigent Defense* shall apply: The
20 caseload of a full-time public defense attorney or assigned counsel shall not exceed the
21 following:

22 150 Felonies per attorney per year
23

1 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
2 numerical case weighting system as described in this Standard, 400 cases per year

3 250 Juvenile Offender cases per attorney per year.

4 Phase 1:

5 Beginning July 2, 2025, within the twelve months following, each full-time felony attorney
6 shall be assigned cases constituting no more than 110 felony case credits and each full-time
7 misdemeanor attorney shall be assigned cases constituting no more than 280 misdemeanor case
8 credits. Beginning July 2, 2025, family defense attorneys shall not represent more than 45
9 family defense clients or carry more than 60 open and active cases at any given time.

10 Phase 2:

11 Beginning July 2, 2026, within the twelve months following, each full-time felony attorney
12 shall be assigned cases constituting no more than 90 felony case credits and each full-time
13 misdemeanor attorney shall be assigned cases constituting no more than 225 misdemeanor case
14 credits. Beginning July 2, 2026, family defense attorneys shall not represent more than 35
15 family defense clients or carry more than 40 open and active cases at any given time.

16 Phase 3:

17 Beginning July 2, 2027, and for any twelve-month period following, each full-time felony
18 attorney shall be assigned cases constituting no more than 47 felony case credits and each full-
19 time misdemeanor attorney shall be assigned cases constituting no more than 120 misdemeanor
20 case credits.

21 **~~Related Standards~~**

22 ~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION AND~~
23 ~~DEFENSE FUNCTION Defense Function std. 4-1.2 (3d ed. 1993)~~

1 ~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES std.~~
2 ~~5-4.3 (3d ed. 1992)~~
3 ~~AM. BAR ASS'N, GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF~~
4 ~~DEFENSE COUNSEL IN DEATH PENALTY CASES (rev. ed. 2003)~~
5 ~~ABA Comm. on Ethics—Prof'l Responsibility, Formal Op. 06-441 (2006) (Ethical Obligations~~
6 ~~of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere~~
7 ~~With Competent and Diligent Representation)~~
8 ~~Am. Council of Chief Defenders, Statement on Caseloads and Workloads (Aug. 24, 2007)~~
9 ~~ABA House of Delegates, Eight Guidelines of Public Defense Related to Excessive Caseloads~~
10 ~~(Aug. 2009)~~
11 ~~TASK FORCE ON COURTS, NAT'L ADVISORY COMM'N ON CRIMINAL~~
12 ~~STANDARDS—GOALS, COURTS std. 13.12 (1973)~~
13 ~~MODEL CODE OF PROF'L RESPONSIBILITY DR 6-101.~~
14 ~~ABA House of Delegates, The Ten Principles of a Public Defense Delivery System (Feb. 2002)~~
15 ~~ABA House of Delegates, Standards of Practice for Lawyers Who Represent Children in Abuse~~
16 ~~and Neglect Cases (Feb. 1996)~~
17 ~~Nat'l Legal Aid—Defender Ass'n, Am. Council of Chief Defenders, Ethical Opinion 03-01~~
18 ~~(2003).~~
19 ~~Nat'l Legal Aid—Defender Ass'n, Standards for Defender Services std. IV-1 (1976)~~
20 ~~Nat'l Legal Aid—Defender Ass'n, Model Contract for Public Defense Services (2000)~~
21 ~~Nat'l Ass'n of Counsel for Children, NACC Recommendations for Representation of Children~~
22 ~~in Abuse and Neglect Cases (2001)~~
23 ~~Seattle Ordinance 121501 (June 14, 2004)~~

1 ~~Indigent Defense Servs. Task Force, Seattle King County Bar Ass'n, Guidelines for~~
2 ~~Accreditation of Defender Agencies Guideline 1 (1982)~~
3 ~~Wash. State Office of Pub. Defense, Parents Representation Program Standards of~~
4 ~~Representation (2009)~~
5 ~~B REA OF J DICIAL ASSISTANCE, .S. DEP'T OF J STICE, INDIGENT DEFENSE~~
6 ~~SERIES NO. 4, KEEPING DEFENDER WORKLOADS MANAGEABLE (2001) (NCJ~~
7 ~~185632)~~

8
9 **Standard 4: Responsibility of Expert Witnesses**

10 ~~RESERVED~~

11 **Standard:**

12 **4.A. Expert Witnesses**

13 Jurisdictions that administer public defense services shall provide reasonable compensation for
14 expert witnesses necessary for preparation and presentation of the case. Expert witness costs
15 should be maintained and allocated from funds separate from those provided for attorney legal
16 representation.

17 Jurisdictions shall adopt and publish procedures to confidentially receive, review, and grant
18 requests for expert witness services. In jurisdictions where attorneys are required to request
19 approval for expert witnesses or other necessary services from the court, such motions shall be
20 ex parte and include a motion to seal. The public defense attorney should be free to retain the
21 expert of their choosing and shall not be required to select experts from a list pre-approved by
22 either the jurisdiction, the court, or the prosecution.

23 **4.B. Mitigation Specialists, Social Workers**

1 Mitigation specialists and social workers shall be made readily available to public defense
2 attorneys to provide support, such as release plans, treatment services, housing, health care, and
3 to develop dispositional and sentencing alternatives.

4 In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist
5 or social worker shall be provided for every three full-time attorneys. Public defense agencies
6 shall make meaningful progress towards this ratio prior to July 3, 2028.¹⁰ Attorneys representing
7 clients in post-adjudication phases may require different resources. Public defense agencies that
8 do not employ a sufficient number of mitigation specialists or social workers to meet this ratio
9 shall enter into contracts with additional mitigation specialists or social workers to provide the
10 same resource level.

11 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
12 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
13 in post-adjudication phases may require different resources.

14 Public defense attorneys under contract or in assigned counsel systems should have access to
15 mitigation specialists and social workers, consistent with 4.A.

16 For public defense agencies responsible for administering the funding for parent representation,
17 by July 3, 2028, a minimum of one full-time family defense social worker or family defense
18 social service worker shall be provided for every one full-time attorney representing parents in
19

20 ¹⁰ Support staff necessary for effective representation includes one supervisor for every ten attorneys
21 one investigator for every three attorneys one social service caseworker for every three attorneys one
22 paralegal for every four felony attorneys and one secretary for every four felony attorneys. Bureau of
23 Justice Assistance, nited States Department of Justice’s *Keeping Defender Workloads Manageable*, 10
(2001), available at <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>. See also, National Association for
Public Defense Policy Statement on Public Defense Staffing (May 2020), available at
<https://publicdefenders.us/resources/policy-statement-on-statement-on-public-defense-staffing/>.

1 family defense proceedings, on a pro rata basis according to the size of the contract. Public
2 defense agencies responsible for administering the funding for parent's defense shall make
3 meaningful progress towards the ratio of one full-time family defense social worker or family
4 defense social service worker for every one full-time parent's defense attorney prior to July 3,
5 2028. Public defense agencies responsible for administering the funding for child and youth
6 representation shall ensure that adequate social work support services are made available to
7 meet the case and support needs of children and youth in family defense cases.

8 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
9 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
10 in post-adjudication phases may require different resources.

11 Public defense attorneys under contract or in assigned counsel systems should have access to
12 mitigation specialists and social workers, consistent with 4.A.

13 4.C. Mental Health Professionals for Evaluations

14 Each public defense agency or attorney shall have access to mental health professionals to
15 perform mental health evaluations.

16 4.D. Interpreters and Translators

17 All individuals providing public defense services (attorneys, investigators, experts, support
18 staff, etc.) shall have access to qualified interpreters to facilitate communication with Deaf and
19 hearing-impaired individuals, and persons with limited English proficiency. Similarly, all
20 public defense providers shall have access to translators to translate vital documents and
21 resources from English to the client's primary language.¹¹

22
23 ¹¹ See, RPC 1.4 Communication.

1 4.E. Cost of Expert Services

2 Consistent with Washington Rule of Professional Conduct (RPC) 1.8(m)(1)(ii), attorneys shall
3 not be required to bear the costs of expert services.

4
5 **Standard 5: Administrative Costs**

6 ~~Standard 5.1. Reserved.~~

7 ~~Standard 5.2~~

8 5.A. Administrative Services Necessary for Law Offices

9 Jurisdictions shall provide funding for ~~Contracts for public defense services should provide for~~
10 ~~or include~~ administrative costs associated with ~~providing~~ legal representation. These costs
11 ~~should~~ include, but are not limited to travel telephones law library, including electronic legal
12 research financial accounting case management systems computers and software equipment
13 office space and supplies internet services training ~~meeting the reporting requirements~~
14 ~~imposed by these standards~~ and other costs necessarily incurred for public defense
15 representation and necessary to comply with the requirements imposed by these standards in
16 the day to day management of the contract.

17 Providing for these costs is necessary for all public defense structures, including agency,
18 contract, and assigned counsel systems.

19 5.B. Law Offices Must Accommodate Confidential, Prompt, and Consistent Client
20 Communication

21 All Ppublic defense attorneys shall have ~~(1)~~ access to an office that accommodates confidential
22 meetings with clients and receipt of mail, and (2) a postal address, and adequate telephone and

1 electronic services to ensure prompt response to client contact. Public defense attorneys and
2 clients must have prompt and consistent access to interpreter services

4 **Standard 6: Investigators**

5 ~~Standard 6.1. Public defense attorneys shall use investigation services as appropriate.~~

6 **Standard:**

7 6.A. Access to Investigation Services

8 Public defense representation must include access to investigation services. Public defense-led
9 investigation is necessary for representing clients for purposes of verifying facts, identifying
10 and questioning witnesses, and testing the evidence presented by the opposing party.

11 6.B. Investigation for Public Defense Agencies

12 In public defense agencies, by July 3, 2028, a minimum of one full-time investigator shall be
13 employed for every three full-time trial court level (adult and/or juvenile) attorneys.¹² Public
14 defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028. Public
15 defense agencies that do not employ a sufficient number of investigators to meet this ratio shall
16 enter into contracts with additional investigators to provide the stated resource level. Temporary
17 reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies
18 do not constitute failure to comply with this standard. Attorneys representing clients in post-
19 adjudication phases may require different investigation resources.

21 ¹² National Association of Public Defense Policy Statement on Public Defense Staffing (May 2020):
22 until empirical studies are further able to determine the number of staff necessary to support the lawyer,
23 public defense systems, at a minimum, should provide, one investigator for every three lawyers, one
mental health professional, often a social worker, for every three lawyers, and one supervisor for every
10 litigators. Additionally, there should be one paralegal and one administrative assistant for every 4
lawyers.

1 6.C. Investigation for Contract and Assigned Counsel

2 When public defense attorneys work under contracts or assigned counsel systems, jurisdictions
3 must ensure that they have the same level of access to investigators as described in 6.B. Local
4 jurisdictions shall adopt and publish confidential procedures to receive, review, and grant
5 requests for investigation services. In jurisdictions where attorneys are required to request court
6 approval for investigative services, such motions shall be *ex parte*, consistent with the
7 requirements of Washington Rule of Professional Conduct 1.8(m)(1)(ii) and court rules.

8 6.D. Investigation for *Pro Se* Litigants

9 All jurisdictions should make conflict free investigation services available to indigent
10 defendants or respondents who are representing themselves in all cases in which the court has
11 approved waiver of their right to court-appointed counsel.

12 6.E. Cost of Investigation Services

13 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(ii), attorneys shall not be
14 required to bear the costs of investigation services.

15
16 **Standards 7-12**

17 ~~Reserved~~

18 **Standard 7: Support Services**

19 **Standard:**

20 7.A. Support Services Necessary for Legal Defense

21 In addition to the necessary resources described in Standards Four, Five, and Six, public defense
22 attorneys shall have adequate legal and administrative support. Legal and administrative support
23 services include, but are not limited to, administrative assistants, legal assistants, paralegals,

1 human resources, finance, reception services, and IT and data management administrators.
2 These professionals are essential for effective legal defense and an operational law office.
3 Jurisdictions shall ensure all public defense attorneys have access to needed support services as
4 provided in this Standard and as required by Washington Rule of Professional Conduct 1.4 to
5 ensure attorney/client communication.

6 7.B. Providing for Support Services in Contract and Assigned Counsel Compensation

7 The support services described in 7.A. are required for all public defense attorneys, regardless
8 of their employment, contract or assigned counsel status. Contract and assigned counsel
9 attorneys shall receive compensation at levels that ensure these non-attorney support services
10 are provided.

11 7.C. Necessary Legal Assistants/Paralegals Ratio

12 In public defense agencies, by July 3, 2028, a minimum of one full-time legal assistant or
13 paralegal shall be employed for every four full-time attorneys. Public defense agencies shall
14 make meaningful progress towards this ratio prior to July 3, 2028.

15 Public defense agencies that do not employ a sufficient number of legal assistants or paralegals
16 to meet this ratio should enter into contracts with qualified professionals to provide the same
17 resource level or request authorization of such services *ex parte* or administratively.

18 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
19 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
20 in post-adjudication phases may require different resources.

21

22

23

1 **Standard 8: Reports of Attorney Activity**

2 **Standard:**

3 Jurisdictions and family defense contracting agencies shall require all public defense attorneys
4 to use a case-reporting and management information system that includes the number and types
5 of assigned cases, attorney hours and case dispositions. Data from these systems should be
6 routinely reported to public defense administrators in a manner in which confidential, secret,
7 and otherwise non-public information ~~and secrets~~ are not disclosed. Consistent with Standard
8 Eleven, public defense administrators should review these reports on a regular basis to monitor
9 compliance with these Standards.

10 For attorneys under contract, payment should be made monthly, or at times agreed to by the
11 parties, without regard to the number of cases closed in the period.

12
13 **Standard 9: Training**

14 **Standard:**

15 **9.A. Annual Training**

16 All public defense attorneys shall participate in regular training, including a minimum of seven
17 hours of continuing legal education annually in areas relating to their public defense practice.
18 Training should include relevant topics including training specific to certain case types as
19 required in Standard Fourteen, the types of cases assigned (for example, criminal, dependency,
20 appellate), racial and ethnic disparities, elimination of bias, mental illnesses, improved and
21 effective communication with clients, forensic sciences, and other topics that impact legal
22 representation. Every public defense attorney should attend training that fosters trial or appellate
23 advocacy skills and review professional publications and other media.

1 9.B. Onboarding and Training of New and Current Attorneys
2 Public defense agencies and contracted private law firms should develop their own practices
3 and procedures to onboard and train new attorneys. Offices should develop written materials
4 (e.g. manuals, checklists, hyperlinked resources) to inform new attorneys of local rules and
5 procedures of the courts in their jurisdiction.
6 In offices of more than seven attorneys, an orientation and training program for new attorneys
7 and legal interns should be held to inform them of office procedures and policies. All attorneys
8 should be required to attend regular in-house training programs on developments in their legal
9 representation areas.

10 9.C Continuing Education for Public Defense Non-Attorneys

11 Funding for training for all public defense non-attorneys must be provided. A fully supported
12 public defense attorney is one whose staff and expert service providers receive educational
13 opportunities and up-to-date trainings to ensure they can meet their profession’s best practices.
14 This may include attendance at national conferences and regular access to online trainings, such
15 as those offered by the Washington State Office of Public Defense, Washington Defender
16 Association, the National Association for Public Defense, the National Legal Aid and Defender
17 Association, the National Alliance of Sentencing Advocates and Mitigation Specialists, the
18 National Defense Investigator Association, the National Federation of Paralegal Associations,
19 and the National Association for Legal Support Professionals.

20
21 **Standard 10: Supervision**

22 **Standard:**

23 10.A. General Provisions.

1 In public defense agencies and contracted private law firms, a minimum of one full-time
2 supervisor should be employed for every ten full-time public defense attorneys or one half-time
3 supervisor for every five public defense attorneys. Full-time supervisors should not carry
4 caseloads, but supervisors may act as co-counsel in a limited number of cases to provide
5 mentoring and training experience for their supervisees. Part-time supervisors should limit their
6 caseloads on a pro-rata basis. Supervisors should have training in personnel management and
7 supervision. Supervisors should be qualified under Standard 14 for the practice area(s) they are
8 supervising.

9 10.B. Supervision for Family Defense Representation

10 Supervising Attorney Standard: Where a contracted provider is contracted for more than one
11 full-time equivalent (FTE), they shall designate one full-time supervising attorney for every ten
12 full-time family defense attorneys. A parttime supervising attorney should limit their caseload
13 on a pro-rata basis. Supervisors may act as co-counsel in a limited number of cases to provide
14 mentoring and training experience for their supervisees. To be a supervising attorney for family
15 defense cases, the attorney must meet the criteria as set forth in Standard 14.C.4.a. Where a
16 contracted provider is contracted for one FTE or less, the Office of Public Defense or the Office
17 of Civil Legal Aid shall make available programs to support co-counsel opportunities,
18 mentoring programs, or training experiences, as set forth in Standard 14.

19
20 **Standard 11: Monitoring and Evaluation of Attorneys**

21 **Standard:**

22 All jurisdictions shall provide a mechanism for systematic monitoring of public defense
23 attorneys and their caseloads and ensure timely review and evaluation of public defense

1 services. Monitoring and evaluation should include, but not be limited to, review of reports
2 submitted per Standard Eight, review of time and caseload assignments, in-court observations,
3 periodic conferences, verification of attorney compliance with Standard Nine training
4 requirements, verification of compliance with Certifications of Compliance with the Supreme
5 Court's Court Rule Standards, and management of client complaints, consistent with Standard
6 Fifteen.

7 Attorneys should be evaluated on their skill and effectiveness as advocates, including their
8 communication with clients.

9
10 **Standard 12: Substitution of Counsel**

11 **Standard:**

12 **12.A. Availability at No Cost to Attorney.**

13 Consistent with Standard 1.E, alternate or conflict public defense attorneys shall be available
14 for substitution in conflict situations at no cost to the attorney declaring the conflict.

15 **12.B. Subcontracting.**

16 Public defense contracts and assigned counsel policies should prohibit counsel from
17 subcontracting with another firm or attorney to provide representation, absent approval of the
18 public defense administrator.

19 **12.C. Attorney Names.**

20 In contract and assigned counsel systems, the public defense administrator should receive the
21 names and experience levels of those attorneys who will be and actually are providing the legal
22 representation, to ensure the attorneys meet the minimum qualifications required by Standard
23 14.

1 12.D. Continuing Representation and Client Files.
2 Public defense contracts and assigned counsel policies shall address the procedures for
3 continuing representation of clients upon the conclusion of the contract or case assignment.
4 Public defense contracts and assigned counsel policies shall include which attorney or firm or
5 public defense office is responsible for maintaining client files confidentially when a contract
6 terminates or case assignment ends.¹³

7
8 **Standard 13: Limitations on Private Practice**

9 **[Unchanged]**

10 **Standard:**

11 Private attorneys who provide public defense representation shall set limits on the amount of
12 privately retained work which can be accepted. These limits shall be based on the percentage
13 of a full-time caseload which the public defense cases represent.

14
15 **Standard 14: Qualifications of Attorneys**

16 **Standard:**

17 ~~Standard 14.1.~~ 14.A. Minimum qualifications for All Public Defense Attorneys

18 ~~In order to assure~~ ensure that persons entitled to legal representation by public defense
19 attorneys indigent accused people receive the effective assistance of counsel ~~to which they are~~

20
21
22 ¹³ See, WSBA Guide to Best Practices for Client File Retention and Management at:
23 [https://www.wsba.org/docs/default-source/resources-services/practice-management-\(lomap\)/guide-to-best-practices-for-client-file-retention-and-management.pdf](https://www.wsba.org/docs/default-source/resources-services/practice-management-(lomap)/guide-to-best-practices-for-client-file-retention-and-management.pdf) sfvrsn 306a3df1_10.

1 ~~constitutionally entitled, public defense attorneys providing defense services~~ shall meet the
2 following minimum professional qualifications:

3 ~~A1. Be admitted to practice law in Washington Satisfy the minimum requirements for~~
4 ~~practicing law in Washington as determined by the Washington Supreme Court and~~

5 ~~B2. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant~~
6 ~~to their practice area and~~

7 ~~C3. Be familiar with the Washington Rules of Professional Conduct and~~

8 ~~D4. Be familiar with the Performance Guidelines for Criminal Defense Representation~~
9 ~~approved by the Washington State Bar Association when representing youth, be familiar with~~
10 ~~the Performance Guidelines for Juvenile Defense Representation approved by the Washington~~

11 ~~State Bar Association and when representing respondents in civil commitment proceedings, be~~
12 ~~familiar with the Performance Guidelines for Attorneys Representing Respondents in Civil~~
13 ~~Commitment Proceedings approved by the Washington State Bar Association and when~~
14 ~~representing respondents in dependency proceedings, be familiar with Dependency~~
15 ~~(parent/child) performance guidelines referenced in 14.C.2, below and~~

16 ~~E5. Be familiar with the consequences of a conviction or adjudication, including possible~~
17 ~~immigration consequences and the possibility of civil commitment proceedings based on a~~
18 ~~criminal conviction processes to seek interlocutory relief and~~

19 ~~F6. Be familiar with mental health issues and be able to identify the need to obtain expert~~
20 ~~services the Washington State Guidelines for Appointed Counsel in Indigent Appeals and~~

21 ~~G7. Attorneys representing adults in criminal cases or children and youth in Juvenile Court~~
22 ~~cases must be familiar with the consequences of a conviction or adjudication, including but not~~
23 ~~limited to, the requirement to register as a sex offender, possible immigration consequences and~~

1 the possibility of civil commitment proceedings based on a criminal conviction and possible
2 impacts in future criminal proceedings and

3 8. Be familiar with the impact of systemic bias and racism and racial disproportionality in
4 the legal system

5 9. Be familiar with mental health and substance use issues and be able to identify the need
6 to obtain expert services related to the case and for the client

7 10. Attorneys representing children and youth in Juvenile Court cases must have knowledge,
8 training, experience, and the ability to communicate effectively with children and youth, and be
9 familiar with the Juvenile Justice Act

10 11. Attorneys representing children and youth in dependency cases must have knowledge,
11 training, experience and the ability to communicate effectively with children and youth and

12 12. Complete seven hours of continuing legal education within each calendar year in courses
13 relating to their public defense practice.

14 14.B. Additional Information Regarding Qualifications Overall

15 1. An attorney previously qualified for a category of case under earlier versions of these
16 WSBA Standards, Court Rule Standards, or Washington Supreme Court Emergency Orders
17 remains qualified.

18 2. Attorneys working toward qualification for a particular category of cases may associate
19 as co-counsel with a lead counsel who is qualified under these standards for that category of
20 case.¹⁴ Co-counseling is encouraged.

23 ¹⁴ Attorneys should keep records of cases in which the attorney served as co-counsel, trials, and
24 attendance at trial academies.

1 3. These qualifications standards require trial experience for most categories of cases – either
2 as lead counsel, or co-counsel, and for handling a significant portion of a trial. A significant
3 portion of a trial means planning or participating in essential aspects of a trial which includes,
4 but is not limited to, motions in limine, jury selection, opening statements, direct and cross
5 examination, motions and objections, preparation of and advocacy for jury instructions, and
6 closing arguments.

7 4. Each attorney should be accompanied at their first trial by a supervisor or a more
8 experienced attorney, if available. If a supervisor or more experienced attorney is not available
9 to accompany the attorney at their first trial, the attorney, before their first trial, must consult
10 about the case with a more experienced attorney in their office or an outside more experienced
11 attorney such as Washington Defender Association resource attorneys.

12 5. Each attorney must have sufficient resources, including support staff and access to
13 professional assistance, to ensure effective legal representation and regular availability to clients
14 and others involved with the attorney’s public defense work.

15 6. These qualifications standards apply to the highest case category or charge at any time in
16 the life of the case for example, in criminal cases, any time from first appearance or arraignment
17 through sentencing and post-trial motions.

18 7. Attorneys accepting appointment in the various categories of cases designated in Standard
19 Three shall have the qualifications listed below, in addition to those in 14.A.1–14.A.12.

20 8. Experience as an Admissions and Practice Rule (APR) 6 or 9 legal intern cannot be used
21 to meet the experience requirements for these qualifications.

22 14.C. Attorneys’ ualifications by Category/Type of Case and Representation Type (Trial or
23 Appellate)

1 **1. Overview of Adult Criminal and Juvenile Court Cases – Trial Level**

2 a. These qualifications are based on the following categories of cases:

- 3 • Misdemeanor-Low and Misdemeanor Probation Revocation Hearings
- 4 • Misdemeanor-High
- 5 • Felony-Mid and Low
- 6 • Felony Sex Cases
- 7 • Felony High-Other
- 8 • Felony High-Life Without Parole (LWOP) Sentence and Murder
- 9 • Felony Re-Sentencing, Probation Violation or Revocation, and Reference Hearings

10 b. To determine the qualifications standard that applies to a specific offense, the assigning
11 authority should refer to Appendix B to these standards that maps the RCW statutes to the above
12 categories.

13 i. If the legislature designates a felony offense as Class A that is, as of January 1, 2024, in a
14 lower case category, the case category should be presumed to be a Felony-High Other until this
15 standard in Appendix B lists it otherwise.

16 ii. If the legislature, after January 1, 2024, changes an offense from a misdemeanor or gross
17 misdemeanor to a felony, that case category should be presumed to be a Felony-Mid and Low
18 until this standard in Appendix B lists it otherwise.

19 iii. If the legislature, after January 1, 2024, creates a new misdemeanor or gross misdemeanor,
20 that case should be presumed to be a Misdemeanor-High until this standard in Appendix B lists
21 it otherwise.

22 c. Until such time as the above case categories are adopted as part of CrR 3.1, CrRLJ 3.1,
23 and JuCr 9.2, the attorney qualifications set out below are largely comparable to case

1 seriousness levels found in the Revised Code of Washington. Attorneys representing clients
2 charged with Life Without Parole (LWOP) cases or in murder or manslaughter cases shall meet
3 the qualifications listed below in Standard 14.C.2. Similarly, Felony-High categories apply to
4 attorneys representing clients in Class A Adult Felony Cases and Adult Sex Offense Cases. The
5 qualifications set out below for the Felony-Mid category apply to attorneys representing clients
6 in Class B Adult Felony Cases and Class B Adult Violent Cases and the qualifications set out
7 below for the Felony-Low category apply to attorneys representing clients in Adult Felony Class
8 C Cases. The qualifications listed below for Felony Re-Sentencing and Revocation and
9 Reference Hearings apply to attorneys representing clients in Felony Probation Revocation
10 cases. The qualifications listed below for D I-Low category apply to attorneys representing
11 clients in misdemeanor D I cases. The qualifications listed below for Adult Misdemeanor-Low
12 cases apply to attorneys representing clients in all other adult misdemeanor cases.

13
14 ~~Standard 14.2. Attorneys qualifications according to severity or type of case¹⁵:~~

15 ~~A. Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in~~
16 ~~which the death penalty has been or may be decreed and which the decision to seek the death~~
17 ~~penalty has not yet been made shall meet the following requirements:~~

18 ~~i. The minimum requirements set forth in Section 1 and~~

19 ~~ii. At least five years' criminal trial experience and~~

20 ~~iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and~~

21 ~~complex cases which were tried to completion and~~

22
23 ~~¹⁵ Attorneys working toward qualification for a particular category of cases under this standard may
associate with lead counsel who is qualified under this standard for that category of cases.~~

- ~~iv. Have served as lead or co-counsel in at least one aggravated homicide case and~~
- ~~v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases and~~
- ~~vi. Have completed at least one death penalty defense seminar within the previous two years and~~
- ~~vii. Meet the requirements of SPRC 2.2.¹⁶~~

~~The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist, and an investigator. Psychiatrists, psychologists, and other experts and support personnel should be added as needed.~~

~~B. Adult Felony Cases – Class A. Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1 and~~
- ~~ii. Either:~~
 - ~~a. has served two years as a prosecutor or~~

¹⁶ ~~At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2(f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal. A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both counsel at trial must have five years' experience in the practice of criminal law (and) be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel. At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel.~~

1 ~~b. has served two years as a public defender or two years in a private criminal practice and~~
2 ~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of~~
3 ~~the trial in three felony cases that have been submitted to a jury.~~

4 ~~C. Adult Felony Cases – Class B Violent Offense. Each attorney representing a defendant~~
5 ~~accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following~~
6 ~~requirements.~~

7 ~~i. The minimum requirements set forth in Section 1 and~~

8 ~~ii. Either~~

9 ~~a. has served one year as a prosecutor or~~

10 ~~b. has served one year as a public defender or one year in a private criminal practice and~~

11 ~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of~~
12 ~~the trial in two Class C felony cases that have been submitted to a jury.~~

13 ~~D. Adult Sex Offense Cases. Each attorney representing a client in an adult sex offense~~
14 ~~case shall meet the following requirements:~~

15 ~~i. The minimum requirements set forth in Section 1 and Section 2(C) and~~

16 ~~ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be~~
17 ~~supervised by or consult with an attorney who has experience representing juveniles or adults~~
18 ~~in sex offense cases.~~

19 ~~E. Adult Felony Cases – All Other Class B Felonies, Class C Felonies, Probation or Parole~~
20 ~~Revocation. Each attorney representing a defendant accused of a Class B felony not defined in~~
21 ~~Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a~~
22 ~~probation or parole revocation hearing shall meet the following requirements:~~

23 ~~i. The minimum requirements set forth in Section 1, and~~

1 ~~ii. Either:~~

2 ~~a. has served one year as a prosecutor or~~

3 ~~b. has served one year as a public defender or one year in a private criminal practice and~~

4 ~~iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of~~

5 ~~the trial in two criminal cases that have been submitted to a jury and~~

6 ~~iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.~~

7 ~~F. Persistent Offender (Life Without Possibility of Release) Representation. Each attorney~~

8 ~~acting as lead counsel in a two strikes or three strikes case in which a conviction will result~~

9 ~~in a mandatory sentence of life in prison without parole shall meet the following requirements:~~

10 ~~i. The minimum requirements set forth in Section 1⁴⁷ and~~

11 ~~ii. Have at least:~~

12 ~~a. four years' criminal trial experience and~~

13 ~~b. one year's experience as a felony defense attorney and~~

14 ~~c. experience as lead counsel in at least one Class A felony trial and~~

15 ~~d. experience as counsel in cases involving each of the following:~~

16 ~~1. Mental health issues and~~

17 ~~2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases~~

18 ~~resulting in the possibility of life in prison without parole is a sex offense and~~

19 ~~3. Expert witnesses and~~

20

21 ~~⁴⁷ RCW 10.101.060(1)(a)(iii) provides that counties receiving funding from the state Office of Public~~
22 ~~Defense under that statute must require attorneys who handle the most serious cases to meet specified~~
23 ~~qualifications as set forth in the Washington state bar association endorsed standards for public defense~~
24 ~~services or participate in at least one case consultation per case with office of public defense resource~~
~~attorneys who are so qualified. The most serious cases include all cases of murder in the first or second~~
~~degree, persistent offender cases, and class A felonies.—~~

24 Suggested Amendments to CrR 3.1/CrRLJ 3.1/JuCR 9.2

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Washington State Bar Association

1325 4th Ave Ste 600

Seattle, WA 98101-2539

1 ~~4. One year of appellate experience or demonstrated legal writing ability.~~

2 ~~G. Juvenile Cases — Class A. Each attorney representing a juvenile accused of a Class A~~

3 ~~felony shall meet the following requirements:~~

4 ~~i. The minimum requirements set forth in Section 1, and~~

5 ~~ii. Either:~~

6 ~~a. has served one year as a prosecutor or~~

7 ~~b. has served one year as a public defender or one year in a private criminal practice, and~~

8 ~~iii. Has been trial counsel alone of record in five Class B and C felony trials and~~

9 ~~iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor, if~~
10 ~~available.~~

11 ~~H. Juvenile Cases — Classes B and C. Each attorney representing a juvenile accused of a~~

12 ~~Class B or C felony shall meet the following requirements:~~

13 ~~i. The minimum requirements set forth in Section 1 and~~

14 ~~ii. Either:~~

15 ~~a. has served one year as a prosecutor or~~

16 ~~b. has served one year as a public defender or one year in a private criminal practice, and~~

17 ~~iii. Has been trial counsel alone in five misdemeanor cases brought to a final resolution and~~

18 ~~iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if~~
19 ~~available.~~

20 ~~I. Juvenile Sex Offense Cases. Each attorney representing a client in a juvenile sex offense case~~

21 ~~shall meet the following requirements:~~

22 ~~i. The minimum requirements set forth in Section 1 and Section 2(H) and~~

23

1 ~~ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be~~
2 ~~supervised by or consult with an attorney who has experience representing juveniles or adults~~
3 ~~in sex offense cases.~~

4 ~~J. Juvenile Status Offenses Cases. Each attorney representing a client in a Becca matter shall~~
5 ~~meet the following requirements:~~

6 ~~i. The minimum requirements as outlined in Section 1 and~~

7 ~~ii. Either:~~

8 ~~a. have represented clients in at least two similar cases under the supervision of a more~~
9 ~~experienced attorney or completed at least three hours of CLE training specific to status~~
10 ~~offense cases or~~

11 ~~b. have participated in at least one consultation per case with a more experienced attorney who~~
12 ~~is qualified under this section.~~

13 ~~K. Misdemeanor Cases. Each attorney representing a defendant involved in a matter concerning~~
14 ~~a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the~~
15 ~~requirements as outlined in Section 1.~~

16 ~~L. Dependency Cases. Each attorney representing a client in a dependency matter shall meet~~
17 ~~the following requirements:~~

18 ~~i. The minimum requirements as outlined in Section 1 and~~

19 ~~ii. Attorneys handling termination hearings shall have six months' dependency experience or~~
20 ~~have significant experience in handling complex litigation.~~

21 ~~iii. Attorneys in dependency matters should be familiar with expert services and treatment~~
22 ~~resources for substance abuse.~~

23

1 ~~iv. Attorneys representing children in dependency matters should have knowledge, training,~~
2 ~~experience, and ability in communicating effectively with children, or have participated in at~~
3 ~~least one consultation per case either with a state Office of Public Defense resource attorney or~~
4 ~~other attorney qualified under this section.~~

5 ~~M. Civil Commitment Cases. Each attorney representing a respondent shall meet the following~~
6 ~~requirements:~~

7 ~~i. The minimum requirements set forth in Section 1 and~~

8 ~~ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing~~
9 ~~by a supervisor and~~

10 ~~iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has~~
11 ~~either:~~

12 ~~a. served one year as a prosecutor or~~

13 ~~b. served one year as a public defender or one year in a private civil commitment practice, and~~

14 ~~c. been trial counsel in five civil commitment initial hearings and~~

15 ~~iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury~~
16 ~~trial as lead counsel or been co-counsel with a more experienced attorney in a 90 or 180 day~~
17 ~~commitment hearing.~~

18 ~~N. Sex Offender Predator Commitment Cases. Generally, there should be two counsel on~~
19 ~~each sex offender commitment case. The lead counsel shall meet the following requirements:~~

20 ~~i. The minimum requirements set forth in Section 1 and~~

21 ~~ii. Have at least:~~

22 ~~a. Three years' criminal trial experience and~~
23

~~b. One year's experience as a felony defense attorney or one year's experience as a criminal appeals attorney and~~

~~c. Experience as lead counsel in at least one felony trial and~~

~~d. Experience as counsel in cases involving each of the following:~~

~~1. Mental health issues and~~

~~2. Sexual offenses and~~

~~3. Expert witnesses and~~

~~e. Familiarity with the Civil Rules and~~

~~f. One year of appellate experience or demonstrated legal writing ability.~~

~~Other counsel working on a sex offender commitment case should meet the minimum requirements in Section 1 and have either one year's experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.~~

~~O. Contempt of Court Cases. Each attorney representing a respondent shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1 and~~

~~ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.~~

~~P. Specialty Courts. Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1 and~~

1 ~~ii. The requirements set forth above for representation in the type of practice involved in the~~
2 ~~specialty court (e.g., felony, misdemeanor, juvenile) and~~

3 ~~iii. Be familiar with mental health and substance abuse issues and treatment alternatives.~~
4

5 **2. Adult Criminal Trial Court Cases**

6 **a. Misdemeanor Low and Misdemeanor Probation Hearings – Each attorney**
7 **representing a person accused of Misdemeanor Low cases or Misdemeanor Probation Hearings**
8 **shall meet the requirements as outlined in Section 14.A.**

9 **b. Misdemeanor High Cases – Each lead counsel representing a person accused of:**

10 **i. A misdemeanor **domestic violence**¹⁸ offense shall meet the requirements in Section 14.A and**
11 **have attended a defense training or CLE on domestic violence representation.**

12 **ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and have**
13 **attended a defense training or CLE on drug offenses.**

14 **iii. A misdemeanor **sex offense**¹⁹ shall meet the requirements in Section 14.A and**

15 **1. Has served one year as a criminal defense attorney or prosecutor**

16 **2. Has been trial counsel alone or with other trial counsel and conducted a significant portion**
17 **of either:**

18 **a. Two criminal cases in which the prosecution has rested, at least one of which was**
19 **presented to a jury, or**
20

21 ¹⁸ Listed in RCW 9.41.040(2)(a)(i)(B-D) or RCW 10.99.020(4).

22 ¹⁹ Includes a violation of RCW 9.68A.090 (Communicating with a Child for Immoral Purposes),
23 9A.44.063 (Sexual Misconduct with a Minor in the Second Degree), or an attempt, solicitation, or conspiracy to commit a Class C felony that requires sex offender registration upon conviction pursuant to RCW 9A.44.140.

1 b. One criminal trial in which the prosecution has rested and has completed a trial training
2 academy

3 3. Has attended a CLE on sex offenses including training about collateral consequences of
4 sex offense convictions and child hearsay.

5 iv. Each lead counsel representing a person accused of a **misdemeanor DUI** offense shall meet
6 the requirements in Section 14.A and has completed a CLE within the past two years on the
7 topic of D I defense representation.

8 c. **Felony Mid and Felony Low Cases** – Each lead counsel shall meet the following
9 requirements:

10 i. The minimum requirements set forth in Section 14.A

11 ii. Has served one year as a criminal defense attorney or one year as a prosecutor and

12 iii. Has been trial counsel alone or with other trial counsel and conducted a significant portion
13 of either:

14 1. Two criminal trials in which the prosecution rested, or

15 2. One criminal trial in which the prosecution has rested and has completed a trial training
16 academy.

17 iv. Each attorney shall be accompanied at their first felony trial by an attorney who is qualified
18 for this or higher case categories.

19 d. **Felony Sex Cases** – Each lead counsel shall meet the following requirements:

20 i. The minimum requirements set forth in Section 14.A

21 ii. Has served two years as either a criminal defense attorney or prosecutor
22
23

1 iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of
2 the trial in three felony cases in which the state has rested, at least one of which was submitted
3 to a jury and

4 iv. Has attended a CLE on sex offenses, including training about collateral consequences of sex
5 offense convictions and child hearsay.

6 Failure to Register as a Sex Offender cases are in the Felony-Mid and Low Category.

7 e. **Felony High – Other Cases** – Each lead counsel shall meet the following requirements:

8 i. The minimum requirements set forth in Section 14.A

9 ii. Has served two years as either a criminal defense attorney or prosecutor and

10 iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of
11 the trial in three felony cases in which the state has rested, at least one of which was submitted
12 to a jury.

13 f. **Felony High – Life Without Parole and Murder Cases** – Each lead counsel shall meet
14 the following requirements:

15 i. The minimum requirements set forth in Section 14.A

16 ii. At least three years’ experience in adult felony cases, including at least two years as a defense
17 attorney representing people in adult felony cases

18 iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has rested,
19 at least one of which was submitted to a jury and at least one of which was a Felony-High case
20 and

21 iv. Has completed a defense training or CLE on mitigation and challenging prior convictions.

22 g. **Felony Resentencing, Revocation, or Reference Hearing** – Each lead counsel shall
23 meet the following requirements:

1 i. The minimum requirements set forth in Section 14.A and

2 ii. Be qualified to represent the client in a Felony-Mid and Low case.

3 **h. Felony Material Witness Representation** – Each attorney representing a material
4 witness shall be qualified to represent a client in Felony-Mid and Felony-Low cases, unless
5 there is reason to believe the witness has legal exposure for a more serious felony offense to be
6 charged, in which case lead counsel shall be qualified to represent a person accused of that more
7 serious offense.

8 i. Specialty Courts – Each attorney representing a client in a specialty court (e.g., mental
9 health court, drug court, veterans court, homelessness court, juvenile therapeutic court,
10 community court, and family therapeutic court) shall meet the following requirements:

11 i. The minimum requirements set forth in Section 14.A

12 ii. Be familiar with mental health and substance use issues, housing, treatment alternatives, and
13 when representing veterans, resources available for veterans.

14 **3. Juvenile Trial Court Cases** –The qualification requirements below apply to
15 representation of respondents in Juvenile Court.

16 a. Misdemeanor Low and Misdemeanor Probation Hearings – Each attorney
17 representing the accused in Misdemeanor-Low case or Misdemeanor Probation Hearings shall
18 meet the requirements as outlined in Section 14.A.

19 b. Misdemeanor High Cases – Each lead counsel representing a person accused of:

20 i. A misdemeanor **domestic violence**²⁰ offense shall meet the requirements in Section 14.A and
21 have attended a defense training or CLE on domestic violence representation.

22
23

²⁰ Listed in RCW 9.41.040(2)(a)(i)(B-D) or RCW 10.99.020(4)

1 ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and have
2 attended a defense training or CLE on drug offenses.

3 iii. A misdemeanor **sex offense**²¹ shall meet the requirements in Section 14.A and

4 1. Has served one year as a criminal defense attorney or prosecutor

5 2. Has been trial counsel alone or with other trial counsel and conducted a significant portion
6 of either:

7 a. Two criminal cases in which the prosecution has rested, at least one of which was
8 presented to a judge for verdict, or

9 b. The significant portion of one criminal trial in which the prosecution has rested and has
10 completed a trial training academy

11 3. Has attended a CLE on sex offenses including training about collateral consequences of
12 sex offense adjudications and child hearsay.

13 c. **Felony Mid and Felony Low Cases** – Each lead counsel shall meet the following
14 requirements:

15 i. Meet the requirements set forth in Section 14.A

16 ii. Has served one year as a criminal defense attorney or one year as a prosecutor and

17 iii. Has been trial counsel alone or with other trial counsel and conducted a significant portion
18 of either:

19 1. Two criminal trials in which the prosecution rested or
20
21

22 ²¹ Includes a violation of RCW 9.68A.090 (Communicating with a Child for Immoral Purposes),
23 9A.44.063 (Sexual Misconduct with a Minor in the Second Degree), or an attempt, solicitation, or
conspiracy to commit a Class C felony that requires sex offender registration upon conviction pursuant
to RCW 9A.44.140.

1 2. One criminal trial in which the prosecution has rested and has completed a trial training
2 academy.

3 iv. Each attorney shall be accompanied at their first felony trial by an attorney who is qualified
4 for this or higher case categories.

5 d. **Felony Sex Cases** – Each lead counsel shall meet the following requirements:

6 i. The minimum requirements set forth in Section 14.A

7 ii. Has served two years as either a criminal defense attorney or prosecutor

8 iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of
9 the trial in three felony cases in which the state has rested and

10 iv. Has attended a CLE on sex offenses, including training about collateral consequences of sex
11 offense convictions and child hearsay.

12 Failure to Register as a Sex Offender cases are in the Felony Mid and Low Category.

13 e. **Felony High – Other Cases** – Each lead counsel shall meet the following requirements:

14 i. The minimum requirements set forth in Section 14.A

15 ii. Has served two years as either a criminal defense attorney or prosecutor and

16 iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of
17 the trial in three felony cases in which the state has rested, at least one of which was submitted

18 to a judge or jury for verdict.

19 f. **Felony High – Murder Cases** – Each lead counsel shall meet the following requirements:

20 i. The minimum requirements set forth in Section 14.A

21 ii. At least three years’ experience in adult felony cases, including at least two years as a defense
22 attorney representing persons in adult felony cases and

23

1 iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has rested,
2 at least one of which was submitted to a judge for verdict and at least one of which was a Felony-
3 High case.

4 g. **Felony Resentencing, Revocation, or Reference Hearing** – Each lead counsel shall
5 meet the following requirements:

6 i. The minimum requirements set forth in Section 14.A and

7 ii. Is qualified to represent the client in a Felony-Mid and Low case.

8 h. **Specialty Courts** – Each attorney representing a client in a specialty court (e.g., mental
9 health court, drug court, veterans court, homelessness court, juvenile therapeutic court,
10 community court, and family therapeutic court) shall meet the following requirements:

11 i. The minimum requirements set forth in Section 14.A

12 ii. Be familiar with mental health and substance use issues, housing, treatment alternatives, and
13 when representing veterans, resources available for veterans.

14 i. **Juvenile Court Status Offense Cases** - Each lead counsel representing a client in a Child
15 in Need of Services (CHINS), At-Risk Youth (ARY), Truancy, or other status offense case shall
16 meet the following requirements:

17 i. The minimum requirements set forth in Section 14.A and

18 ii. Either:

19 1. **Have represented youth in at least two similar cases under the supervision or consultation**
20 with an attorney qualified under this case type, or

21 2. **Completed at least three hours of CLE training specific to Juvenile Status Offense Cases.**

22 **4. **Civil Cases – Trial Court Cases****

23

1 a. ~~**Representing Children and Youth in Dependency Family Defense Cases – Attorneys**~~
2 ~~representing children and youth in dependency matters should be familiar with expert services~~
3 ~~and treatment resources available in dependency cases.~~

4 ~~**i. Youth**~~ - Each lead counsel representing children and youth in a ~~dependency~~ family
5 ~~defense matter shall meet the following requirements:~~

6 ~~i.1. Meet the minimum requirements set forth in Section 14.A and~~

7 ~~2. Abide, at minimum, by the requirements for training and experience in the~~

8 ~~*Representation of Children and Youth in Dependency Cases Practice, Caseload*~~

9 ~~*and Training Standards, Washington Supreme Court Commission on Children in*~~

10 ~~Foster Care, at the Request of the Legislature (Rev. Sept. 2022)²² established in~~

11 ~~accordance with Section 9, Chapter 210, Laws of 2021 and adopted by the~~

12 ~~Washington State Supreme Court Commission on Children in Foster Care~~

13 ~~ii. Have knowledge, training, experience, and ability in communicating effectively with~~

14 ~~children, or have participated in at least one consultation per case either with a state Office~~

15 ~~of Civil Legal Aid resource attorney or other attorney qualified under this section and~~

16 ~~iii. Attorneys representing children and youth in termination of parental rights cases shall~~

17 ~~have six months' dependency experience or have significant experience in conducting~~

18 ~~complex litigation.~~

19 ~~**bii. Representing Parents and Respondents in Dependency Family Defense Cases –**~~

20 ~~Attorneys~~ Each counsel representing parents in ~~dependency~~ a family defense matters

21 ~~should be familiar with expert services and treatment resources available in dependency~~

22
23 ²² Available at: https://www.courts.wa.gov/subsite/CommFC/docs/revised_20practice_20standards_20for_20representation_20of_20children_20and_20youth_20in_20dependency_20cases.pdf.

1 ~~cases. Each lead counsel representing children and youth in a dependency matter shall~~
2 meet the following requirements:

3 ~~i.~~ 1. Meet the minimum requirements as outlined in Section 14.A and

4 ~~ii.~~ 2. Be familiar with the [American Bar Association Standards of Practice for](#)
5 [Attorneys Representing Parents in Abuse and Neglect Cases and the Family](#)
6 [Justice Initiative Attributes](#), ~~and~~

7 ~~iii. All Family Defense Attorneys: Attorneys representing parents in termination of~~
8 ~~parental rights cases shall have either six months' dependency experience or significant~~
9 ~~experience in handling complex litigation.~~

10 1. Must complete an orientation training on dependency, guardianship, and
11 termination law. Where a contracted provider has an identified supervising
12 attorney, the supervising attorney may provide this orientation. Where a contracted
13 provider does not have an identified supervising attorney, this orientation shall be
14 provided by the contracting agency.

15 2. Must have proficiency. Where a contracted provider does not have a
16 supervising attorney, the contracting agency must perform an assessment of
17 proficiency and the need for any further orientation or consultation before the
18 contracted attorney can conduct any fact-finding or evidentiary hearing on their
19 own. To be assessed as proficient and able to effectively fulfill the duties of
20 representing families in dependency courts, the contracting agency shall consider,
21 at a minimum, the following:

22 i. The number of years of experience doing complex litigation.

23 ii. The number of years of dependency experience.

1 iii. Whether the attorney has experience using experts in dependency or
2 termination proceedings.

3 iv. Education, certification, or other demonstrated proficiency in child
4 welfare.

5 v. Whether they have previously acted as lead counsel in any of the
6 following proceedings:

7 1. Shelter Care

8 2. Dependency Fact Finding

9 3. Title 13 Guardianship or

10 4. Termination Trial.

11 For attorneys who do not have a supervising attorney and who have been assessed
12 by a contracting agency as lacking proficiency to handle a fact-finding or other
13 evidentiary hearing on their own, the Office of Civil Legal Aid and the Office of
14 Public Defense shall provide a consultation program for that attorney that:

15 i. Is consistent with RPCs regarding confidentiality, including but not
16 limited to RPC 1.6

17 ii. Is designed to assist attorneys new to family defense in dependency,
18 guardianship and termination cases, and

19 iii. Will allow consultants to provide technical assistance and additional
20 representation to parents or children assigned to the attorney.

21 **eb. Civil Commitment Cases (RCW 71.05) – Each lead counsel representing a respondent**
22 **shall meet the following requirements:**

23 i. The minimum requirements set forth in Section 14.A

1 ii. Each lead counsel in a 90- or 180-day commitment hearing shall have prepared and
2 conducted at least five 14-day hearings.

3 iii. Each lead counsel shall be accompanied at counsel's first 90- or 180-day commitment
4 hearing by a supervisor or consult with a qualified attorney before the hearing.

5 iv. Each lead counsel in a civil commitment trial shall have conducted at least two
6 contested 14-day hearings as lead counsel or been co-counsel with a more experienced
7 attorney in two 90- or 180-day contested commitment hearings.

8 v. Have a basic knowledge of the classification of mental disorders, as described in the
9 most recent Diagnostic and Statistical Manual of Mental Disorders (DSM)²³ and other
10 resources, and the ability to read and understand medical terminology related to mental
11 disorders and treatment of persons with a mental illness, substance use disorder, co-
12 occurring disorders, and chemical dependency. Counsel shall have ready access to the
13 most recent DSM, as well as research resources for related medical conditions. Counsel
14 should also have basic knowledge and understanding of common personality disorders
15 and medical conditions that may produce similar symptoms. Counsel shall be familiar
16 with the classes of medication prescribed to treat mental disorders and chemical
17 dependency and the possible effect of those medications on the client's ability to interact
18 with counsel and to participate in court proceedings. Counsel should be familiar with
19 treatment facilities, both in-patient and out-patient, that provide services to persons with
20 mental illness, including the scope of those services. Counsel should be familiar with local
21 facilities and state hospitals that may be remote from where the client lives. Counsel

22
23 ²³ Counsel shall be familiar with the diagnostic manual in use by mental health professionals at the time
of sentencing and the time of any hearing.

1 should be familiar with the limitations on available treatment and transportation obstacles
2 associated with such facilities.

3 **dc. Representing Clients Acquitted by Reason of Insanity (RCW 10.77)** – Each attorney
4 representing persons who are acquitted by reason of insanity in post-commitment proceedings
5 shall meet the following requirements:

6 i. The minimum requirements set forth in Section 14.A

7 ii. Have at least three years' experience of either criminal trial experience, dependency
8 experience, or civil commitment proceedings under RCW 71.05 and

9 iii. Has a basic knowledge of the classification of mental disorders, as described in the
10 most recent Diagnostic and Statistical Manual of Mental Disorders (DSM) and other
11 resources, related to the treatment of persons with a mental illness and substance use ²⁴

12 and

13 iv. Each counsel representing persons in this category shall meet qualification
14 requirements established by the Washington State Office of Public Defense for this type
15 of representation.

16 **ed. Sex Offender Commitment Cases (RCW 71.09)** – There should be two attorneys on each
17 sex offender commitment case. The lead counsel shall meet the following requirements:

18 i. The minimum requirements set forth in Section 14.A

19 ii. At least three years' criminal trial experience

20 iii. One year experience as a felony trial defense or criminal appeals attorney

21 iv. One year of appellate experience or demonstrated legal writing ability

22 _____
23 ²⁴ Counsel shall be familiar with the diagnostic manual in use by mental health professionals.

1 v. Has been lead defense counsel in at least one felony trial and

2 vi. Has experience as defense counsel in cases involving each of the following:

3 1. Mental health issues

4 2. Sexual offenses

5 3. Expert witnesses and

6 4. Familiarity with the Civil Rules.

7 vii. Other counsel working on a sex offender commitment case should meet the minimum
8 requirements in Section 14.A and have either one year's experience as a public defender
9 or significant experience in the preparation of criminal cases, including legal research and
10 writing and training in trial advocacy.

11 **fe. Contempt of Court Cases (Child Support Enforcement)** – Each lead counsel representing
12 a respondent in a contempt of court case shall meet the following requirements:

13 i. The minimum requirements set forth in Section 14.A

14 ii. Each lead counsel shall be accompanied by a supervisor or more experienced
15 attorney at his or her first contempt of court hearing and at his or her first two contested
16 contempt of court hearings and participate in at least one consultation per case for their
17 first five non-contested hearings with a WDA resource attorney or another attorney
18 qualified in this area of practice and

19 iii. Be familiar with the Rules of Civil Procedure.

20 ~~*Standard 14.3. Appellate Representation.* Each attorney who is counsel for a case on appeal to~~
21 ~~the Washington Supreme Court or to the Washington Court of Appeals shall meet the following~~
22 ~~requirements:~~

23 ~~A. The minimum requirements as outlined in Section 1 and~~

1 B. Either:

2 i. ~~has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in~~
3 ~~at least one criminal case within the past two years or~~

4 ~~ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at~~
5 ~~least one year as an appellate court or federal court clerk, extensive trial level briefing, or other~~
6 ~~comparable work.~~

7 C. ~~Attorneys with primary responsibility for handling a death penalty appeal shall have at least~~
8 ~~five years criminal experience, preferably including at least one homicide trial and at least six~~
9 ~~appeals from felony convictions, and meet the requirements of SPRC 2.~~

10 ~~RALJ Misdemeanor Appeals to Superior Court: Each attorney who is counsel alone for a case~~
11 ~~on appeal to the Superior Court from a court of limited jurisdiction should meet the minimum~~
12 ~~requirements as outlined in Section 1, and have had significant training or experience in either~~
13 ~~criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an~~
14 ~~appellate judge, or assisting a more experienced attorney in preparing and arguing a RALJ~~
15 ~~appeal.~~

16 **5. Appellate Cases**

17 **a. Adult Criminal and Juvenile Court Representation in Appellate Courts Other Than**
18 **Superior Court RALJ Appeals** – Each lead counsel in an appellate matter before the Court of
19 **Appeals or Supreme Court shall meet the following requirements:**

20 **i. The minimum requirements set forth in Section 14.A**

21 **ii. Has filed six appellate briefs as counsel for a party in the Washington Supreme Court or**
22 **Court of Appeals, or appellate courts of other jurisdictions, including at least five criminal,**
23 **dependency (RCW 13.34), civil commitment (RCW 71.05) or sex offender commitment (RCW**

1 71.09) cases or participated in consultation with a qualified attorney in each case until this
2 requirement is satisfied and

3 iii. Each lead counsel representing a client on appeal in a Felony High Murder, Felony High
4 LWOP, Felony High, or Sex Offender Commitment case shall:

5 1. Meet the requirements of Standard 14.C.5.a.ii and

6 2. Has filed 15 appellate briefs in criminal cases as counsel for a party in the Washington
7 Supreme Court or Court of Appeals, or appellate courts of other jurisdictions, or shall participate
8 in consultation with a qualified attorney in each case until this requirement is satisfied.

9 **b. Dependency Representation in Appellate Courts - Each lead counsel shall meet the**
10 **following requirements:**

11 i. The minimum requirements set forth in Section 14.A

12 ii. The requirements in Standard 14.C.5.a.ii and

13 iii. Be familiar with the *American Bar Association Standards of Practice for Attorneys*
14 *Representing Parents in Abuse and Neglect Cases and the Family Justice Initiative Attributes.*

15 **c. RALJ Misdemeanor Appeals and Writs to Superior Court - Each lead counsel**
16 **representing a client in an appellate matter to Superior Court from a court of limited jurisdiction**
17 **shall meet the following requirements:**

18 i. The minimum requirements set forth in Section 14.A and

19 ii. Either:

20 1. Has clerked for an appellate court judge or

21 2. Has represented clients in at least three substantive testimonial motion hearings or trials

22 or

23

1 3. Has the assistance of a more experienced attorney in preparing and arguing the RALJ
2 appeal.

3 ~~Standard 14.4. Legal Interns.~~

4 ~~A. Legal interns must meet the requirements set out in APR 9.~~

5 ~~B. Legal interns shall receive training pursuant to APR 9, and in offices of more than seven~~
6 ~~attorneys, an orientation and training program for new attorneys and legal interns should be~~
7 ~~held.~~

8 **6. Legal Interns** - Legal interns who appear in court shall:

9 a. Meet the requirements set out in Section 14.A

10 b. Meet the requirements set out in APR 9

11 c. Receive training and supervision pursuant to APR 9 and

12 d. Complete an orientation and training program for legal interns.

13
14 **~~Standards 15-18~~**

15 ~~RESERVED~~

16
17 **Standard 15: Disposition of Client Complaints**

18 **Standard:**

19 15.A. Jurisdictions that administer public defense services shall provide a process for receiving,
20 investigating, and promptly responding to client complaints. Complaints should first be directed
21 to the assigned attorney, firm, or agency that is providing or provided representation.

22 15.B. Public defense agencies and contractors with multi-attorney private firms shall include
23 investigation and disposition of client complaints in their supervisory services.

1 15.C. The complaining client should be informed as to the disposition of their complaint in a
2 timely manner.

3
4 **Standard 16: Cause for Termination of Defender Services and Removal of Attorney**

5 **Standard:**

6 Contracts for public defense services shall include the grounds for termination of the contract
7 by the parties. Termination of a public defense attorney's or private firm's contract unilaterally
8 by the jurisdiction should only be for good cause. Termination for good cause shall include, but
9 not be limited to, the failure of a contract attorney or firm to provide effective or quality
10 representation to clients the willful disregard of the rights and best interests of the client and
11 the willful disregard of these *WSBA Standards* or the *Court Rule Standards*.

12 Removal by the court of an appointed attorney from representation normally should not occur
13 over the objection of the attorney and the client.

14
15 **Standard 17: Non-Discrimination**

16 **Standard:**

17 Public defense contracts and assigned counsel policies shall include language prohibiting
18 discrimination by the jurisdiction, contractor, contractor's attorneys, or assigned counsel on the
19 grounds of race, ethnicity, religion, national origin, language, age, marital status, gender
20 identity, sexual orientation, or disability. The public defense administrator and all public
21 defense attorneys and support staff shall comply with all federal, state, and local non-
22 discrimination requirements.

1 **Standard 18: Guidelines for Awarding Defense Contracts**

2 **Standard:**

3 Recruitment for public defense contracts and assigned counsel lists should include efforts to
4 achieve a diverse public defense workforce.

5 Attorneys or firms applying for contracts or placement on assigned counsel lists must
6 demonstrate their ability to meet these Standards and the Supreme Court Standards for Indigent
7 Defense. Their contracts must comply with Washington Rule of Professional Conduct 1.8(m).

8 The county or city should award contracts for public defense services and select attorneys for
9 assigned counsel lists only after determining that the applicant has demonstrated professional
10 qualifications consistent with both these Standards and the Supreme Court Standards for
11 Indigent Defense. Under no circumstances should a contract be awarded on the basis of cost
12 alone.

13 Judges, judicial staff, city attorneys, county prosecutors, and law enforcement officers shall not
14 select the attorneys who will be included in a contract or an assigned counsel list.

15
16 **Standard 19: Independence and Oversight of Public Defense Services²⁵**

17 **Standard:**

18 Public defense providers should not be restrained from independently advocating for the
19 resources and reforms necessary to provide defense related services for all clients. This includes
20

21 ²⁵ See Principle 1 of the ABA Ten Principles of a Public Defense Delivery System and Commentary
22 (August 2023), including the recommendation a nonpartisan commission or advisory board oversee the
23 public defense function, thus safeguarding against undue political pressure while also promoting
efficiency and accountability for a publicly funded service.

1 efforts to foster system improvements, efficiencies, access to justice, and equity in the legal
2 system.

3 Judges and judicial staff shall not manage and oversee public defense offices, public defense
4 contracts, or assigned counsel lists. Judges and judicial staff in superior courts and courts of
5 limited jurisdiction shall not select public defense administrators or the attorneys who provide
6 public defense services.

7 Attorneys with public defense experience insulated from judicial and political influence should
8 manage and oversee public defense services.

9 The terms manage and oversee include: drafting, awarding, renewing, and terminating
10 public defense contracts adding attorneys or removing them from assigned counsel lists
11 developing case weighting policies monitoring attorney caseload limits and case-level
12 qualifications monitoring quality monitoring compliance with contracts, policies, procedures,
13 and standards and recommending compensation.

14 The agencies, organizations, and administrators responsible for managing and overseeing public
15 defense services shall apply these Standards, the Supreme Court Standards for Indigent
16 Defense, and the WSBA Performance Guidelines in their management and oversight duties.

17 Jurisdictions unable to employ attorneys with public defense experience to manage and oversee
18 public defense services shall consult with established city, county, or state public defense
19 offices, or engage experienced public defense providers as consultants regarding management
20 and oversight duties.

21
22 **CERTIFICATION OF COMPLIANCE**

23 **[Unchanged]**

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**Suggested Amendments to
CrR 3.1/CrRLJ 3.1/JuCR 9.2**

STANDARDS FOR INDIGENT DEFENSE¹

Preamble

The Washington Supreme Court adopts the following Standards to address certain basic elements of public defense practice related to the effective assistance of counsel. The Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/ CrRLJ 3.1/ JuCR 9.2 references specific Applicable Standards. The Court adopts additional Standards beyond those required for certification as guidance for public defense attorneys in addressing issues identified in *State v. A.N.J.*, 168 Wn.2d 91 (2010), including the suitability of contracts that public defense attorneys may negotiate and sign. To the extent that certain Standards may refer to or be interpreted as referring to local governments, the Court recognizes the authority of its Rules is limited to attorneys and the courts. Local courts and clerks are encouraged to develop protocols for procedures for receiving and retaining Certifications.

Definitions

1. Assigned Counsel – Attorneys who provide public defense services in a local jurisdiction who are not employees of a Public Defense Agency, often without a formal contract frequently referred to as panel or conflict attorneys.

¹ These suggested amendments to the Standards for Indigent Defense incorporate amendments previously proposed by WSBA on March 21, 2024, and which have been published by the Court for public comment in Order 25700-A-1568. Proposed appendices to the Standards have been omitted. No changes are suggested to the proposed appendices. The present suggested amendments address the Standards as applied to family defense representation.

1 2. Case – A case is a new court filing or action that names a person who is eligible for
2 appointment of a public defense attorney for example, an adult criminal charging instrument,
3 a juvenile court offender or BECCA petition, a dependency or termination of parental rights
4 petition, a civil commitment petition, or an appeal. For additional explanation in relation to
5 caseload capacity, refer to Standards 3.H and 3.I.

6 3. Case Weighting/Credits – A case weighting system assigns higher and lower values or
7 weighted case credits to assigned cases based on the amount of time that is typically required
8 to provide effective representation.

9 4. Caseload – The number of cases assigned to a public defense attorney in a 12-month
10 period.

11 5. Co-counsel – An additional public defense attorney assigned to a case with the originally
12 assigned attorney (lead counsel).

13 6. Defense Investigator – A non-lawyer legal professional who guides and executes the
14 defense investigation of a client's case. Defense Investigators perform substantive work that
15 requires full knowledge of court proceedings, court rules, and Washington State law. A Defense
16 Investigator's review of case evidence requires an understanding of government investigative
17 procedures and regulations, a familiarity with forensic disciplines, the aptitude to stay current
18 with advancements in technology, and an ability to ascertain factual discrepancies. They may
19 interview witnesses identified by the police investigation, as well as identify, locate, and
20 interview witnesses unknown to the State. Defense Investigators may gather evidence useful to
21 the defense by recording witness statements, conducting field investigations, photographing the
22 crime scene, gathering records, and taking screenshots of online materials. A Defense
23 Investigator's preservation of evidence is critical to trial preparations, as they can testify to lay

1 the foundation for that evidence, as well as explain case details and assist with impeachment of
2 witnesses. The use of a Defense Investigator is not limited to criminal cases. Defense
3 Investigators are also important professionals in Dependency proceedings, Sexual Offender
4 Commitment petitions, and other proceedings that affect a client's liberty or other
5 constitutionally protected interest.

6 7. Experts – Individual persons, firms, or businesses who provide a high level of knowledge
7 or skill in a particular subject matter, such as DNA or crime scene analyses, and assist public
8 defense attorneys in providing legal representation for their client.

9 8. Family Defense – Family defense is the practice of representing all people statutorily and
10 constitutionally entitled to legal representation in cases under RCW 13.34, 13.36, and 13.38, et
11 seq.

12 9. Family Defense Social Worker or Family Defense Social Service Worker – A family
13 defense professional with a degree in Social Work (or allied field) who provides professional
14 services to assist the attorney and to help meet the basic and complex needs of the client. At the
15 discretion of the agency or firm, individuals without a degree in Social Work (or other field),
16 but who can demonstrate lived or professional experience in the dependency system may serve
17 the same role with the title of Family Defense Social Service Worker.

18 10. Flat Fee Agreement – A contract or informal policy agreement where a private attorney
19 or firm agrees to handle an unlimited number of cases for a single flat fee.

20 11. Fully Supported Defense Attorneys – Public defense attorneys who meet or exceed
21 Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of these *Standards*.

22 12. Jurisdictions – State, county and city entities that provide public defense services.
23

1 13. Legal Assistant – A non-lawyer legal professional who assists the attorney with
2 administrative tasks. Legal Assistants often are responsible for filing pleadings generated by
3 the lawyer or paralegal and ensuring the timely processing of mail and legal documents to meet
4 court mandated deadlines. They may answer phones and assist with communications between
5 the defense team, clients, defense experts, witnesses, and others. Some Legal Assistants are
6 responsible for calendaring, opening and closing case files, updating case management systems,
7 processing legal discovery (electronic or otherwise), and ensuring that critical information is
8 accurately conveyed and recorded, if needed.

9 14. Lead Counsel – A lead counsel is the main lawyer in charge of a case. They are usually
10 the most experienced and manage any other lawyers working on the case.

11 15. Mitigation Specialist – A mental health professional, a social worker, or social services
12 provider, with specialized training or experience who gathers biographical, medical, and family
13 history of the client to assist the lawyer, including preparing a document to inform the court
14 and/or prosecutor or State of factors in the client’s life. Mitigation Specialists also help clients
15 navigate social service support and prepare for assessments.

16 16. Open Caseload – The number of assigned cases a public defender has that are actively
17 open. Open Caseload is a day-in-time snapshot of a public defender’s caseload whereas,
18 Caseload is the number of assigned cases in a year.

19 17. Paralegal – A non-lawyer legal professional, frequently a graduate of an ABA-approved
20 Paralegal Studies program, who does substantive work that requires familiarity with court
21 proceedings, court rules, and Washington State law. Paralegals are frequently responsible for
22 performing complex legal research and drafting legal documents such as subpoenas, pleadings,
23 and motions and creating discovery binders, preparing exhibits, coordinating witness schedules,

1 and assisting with organization at counsel table. Paralegals may assist the attorney with client
2 communication and act as a liaison with defense experts, prosecutors, bailiffs, and jail officials.
3 They also may track upcoming court hearings, trial dates, and other critical timelines to help
4 with attorney organization.

5 18. Per Case Agreement – A contract or informal policy agreement where a private attorney
6 or firm agrees to handle cases on a flat, per case amount.

7 19. Private Attorneys – An attorney who works in private practice who provides public
8 defense services whether by contract, subcontract, assignment, appointment, or other process.

9 20. Private Firm – For-profit law firm that provides public defense services, whether by
10 contract, subcontract, assignment, appointment, or other process.

11 21. Public Defender – Any person working as or with a public defense attorney, firm, or public
12 defense agency whether an attorney, social worker, office administrator, investigator, mitigation
13 specialist, paralegal, legal assistant, human resources specialist, data analyst, etc.

14 22. Public Defense Administrator – Person, whether attorney or not, who is responsible
15 overall for the administration, management, and oversight of public defense.

16 23. Public Defense Agency – Government and nonprofit offices that only provide public
17 defense representation.

18 24. Public Defense Attorney – A private attorney, attorney working in a private firm, or an
19 attorney working in a public defense agency who is assigned to represent individuals who are
20 indigent or indigent and able to contribute and have a statutory or constitutional right to court-
21 assigned counsel.

22 25. Reasonable Compensation – Market rate for similar legal and expert services. Reasonable
23 compensation includes more than attorney wages, salary, benefits, contract payments or hourly

1 rate payments. Reasonable Compensation includes the cost of office overhead (including
2 administrative costs), support staff or services, training, supervision, and other services not
3 separately funded.

4 26. Significant Portion of a Trial – Planning or participating in essential aspects of a trial
5 which includes, but is not limited to, motions in *limine*, jury selection, opening statements, direct
6 and cross examination, motions and objections, preparation of and advocacy for jury
7 instructions, and closing arguments.

8 27. Social Worker – A public defense professional with a master’s degree in Social Work who
9 provides professional services to assist the attorney and to help meet the basic and complex
10 needs of the client. Often, this can involve enrolling in health care or other government support
11 services.

12 28. Trial Academy – An organized trial training program of at least 20 hours of sessions that
13 is presented by the Washington State Office of Public Defense, the Washington Defender
14 Association, the Washington Association of Criminal Defense Attorneys, the National
15 Association of Criminal Defense Lawyers, the National Institute for Trial Advocacy, the
16 National Association for Public Defense, the Gault Center, the National Criminal Defense
17 College, Gideon’s Promise, or any other organization approved for CLE training by the
18 Washington State Bar Association. A trial academy must include defender skills training that
19 may encompass motion practice, opening and closing statements, objections, preserving issues
20 for appeal, direct and cross examination, race bias, client communication, theory of the case,
21 jury selection, and other topics.

1 29. Workload – The amount of work a public defense attorney has, including direct client
2 representation and work not directly attributable to the representation of a specific client,
3 including, for example, administration, supervision, and professional development.

4
5 **Standard 1: Compensation**

6 **Standard:**

7 1.A. Public Defense Agency Salaries and Benefits.

8 Employees at public defense agencies shall be compensated at a rate commensurate with their
9 training and experience. Compensation and benefit levels shall be comparable to those of
10 attorneys and staff in prosecution or other opposing party offices in the area. Compensation
11 shall also include necessary administrative costs described in Standard Five, support services
12 costs described in Standard Seven, and training and supervision costs described in Standards
13 Nine and Ten.

14 1.B. Contract and Assigned Counsel Compensation.

15 Compensation for public defense attorneys in contract and assigned counsel systems shall
16 reflect the professional experience, time, and labor required for effective and quality
17 representation. Compensation shall also be based on the comparable compensation and benefits
18 associated with prosecution or other opposing party offices in the area. Compensation shall also
19 include necessary administrative costs described in Standard Five, support services costs
20 described in Standard Seven, and training and supervision costs described in Standards Nine
21 and Ten.

22 Reasonable compensation shall be provided whether the work is for full-time or part-time public
23 defense attorneys. Reasonable contract or assigned counsel compensation rates shall be set at

1 least on a pro rata basis consistent with the attorney’s percentage of a full caseload (see Standard
2 3). For example, if a jurisdiction allocates 280,000 per year per full-time equivalent (FTE)
3 prosecuting attorney for all costs associated with that FTE, including but not limited to
4 combined salary, benefits, support staff, administrative, information technology, insurance, bar
5 dues, training, and facilities expenses, then a contract for one-fourth of a full-time public
6 defense caseload should be at least 70,000.

7 Contracts and government budgets shall recognize the need to provide reasonable compensation
8 for all public defense attorneys, including but not limited to, those attorneys who are on call,
9 staff court calendars, or staff specialty or therapeutic courts.

10 1.C. Flat Fee and Per Case Compensation Agreements.

11 Attorneys shall not engage in flat fee or per case compensation contracts or agreements. These
12 compensation structures create an actual conflict for the public defense attorney.²

13 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(ii), public defense
14 attorneys shall not make or participate in making an agreement with a governmental entity for
15 the delivery of indigent defense services if the terms of the agreement obligate the contracting
16 lawyer or law firm to bear the cost of providing investigation or expert services, unless a fair
17 and reasonable amount for such costs is specifically designated in the agreement in a manner
18

19
20 ² Counsel should not be paid on a flat fee basis, as such payment structures reward counsel for doing
21 as little work as possible. [ABA Ten Principles of a Public Defense Delivery System](#), Principle 2:
22 Funding, Structure, and Oversight, n. 6 (August 2023) (citing *Wilbur v. Mt. Vernon*, No. C11-1100RSL,
23 .S.D.C. D. Wash., at 15 (Dec. 4, 2013) (district court finding that a flat fee contract left the defenders
compensated at such a paltry level that even a brief meeting at the outset of the representation would
likely make the venture unprofitable.))

1 that does not adversely affect the income or compensation allocated to the lawyer, law firm, or
2 law firm personnel.

3 1.D. Additional Compensation.

4 Consistent with RCW 10.101.060(1)(a)(iv), contracts and policies shall provide for additional
5 compensation over and above the base contract amount(s) for cases that require an extraordinary
6 amount of time and preparation.

7 Situations that require additional compensation include, but are not limited to:

- 8 • Days spent in trial, if no per diem is paid
- 9 • Testimonial motion hearings
- 10 • Interpreter cases
- 11 • Cases involving mental health competency and other issues (RCW 10.77)
- 12 • Cases with extensive discovery
- 13 • Cases that involve a significant number of counts, alleged victims or witnesses
- 14 • Cases requiring consultation with experts, including, for example, immigration legal
15 analysis and advice or DNA testing and analysis.

16 Attorneys should have the opportunity to submit requests for additional compensation for
17 extraordinary cases and the right to appeal an adverse decision to a judicial officer.

18 1.E. Substitute Attorney Costs.

19 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(i), attorneys who have a
20 conflict of interest shall not be required to bear the cost of the new, substituted attorney.

22 **Standard 2: Duties and Responsibilities of Counsel**

23 **Standard:**

1 Jurisdictions that administer public defense services shall ensure that representation be provided
2 in all situations in which the right to counsel attaches, including first appearances and bail
3 decisions, as well as plea negotiations.

4 Representation shall be prompt and delivered in a professional, skilled manner consistent with
5 minimum standards set forth by these Standards for Indigent Defense, the Washington State
6 Bar Association’s Standards for Indigent Defense Services, the American Bar Association, the
7 Washington Rules of Professional Conduct, case law and relevant court rules and orders
8 defining the duties of counsel. The applicable WSBA or ABA Performance Guidelines should
9 serve as guidance for attorney performance. The most fundamental responsibility of
10 jurisdictions and public defense attorneys is to promote and protect the stated interests of public
11 defense clients.

12
13 **Standard 3: Caseload Limits and Types of Cases**

14 **Standard:**

15 3.A. The contract or other employment agreement or government budget shall specify the types
16 of cases for which representation shall be provided and the maximum number and types of cases
17 in which each attorney shall be expected to provide quality representation.

18 3.B. Quality Representation.

19 The maximum caseload or workload of public defense attorneys shall allow each attorney to
20 give each client the time and effort necessary to ensure effective representation. Public defense
21 attorneys should not enter into contracts requiring caseloads or workloads that, by reason of
22 their excessive size, interfere with the rendering of quality representation. If the attorney’s
23

1 caseload or workload prevents providing quality representation,³ public defense attorneys shall
2 take steps to reduce their caseload, including but not limited to seeking co-counsel,
3 reassignment of cases, or requesting a partial or complete stop to additional case assignments
4 or requesting withdrawal from a case(s). If the attorney's workload is within the limits in this
5 standard there is a presumption that they can provide quality representation.

6 If a public defense agency or nonprofit's workload exceeds the Director's capacity to provide
7 counsel for newly assigned cases, the Director must notify courts and appointing authorities
8 that the provider is unavailable to accept additional assignments and must decline to accept
9 additional cases.⁴

10 3.C. Open Caseload.

11 The determination of an attorney's ability to accept new case assignments must include an
12 assessment of the impact of their open caseload on their ability to provide quality representation.

13 3.D. Fully Supported, Full-Time Public Defense Attorneys.

14 The maximum caseloads or workloads for public defense attorneys assume an attorney's public
15 defense work is: 1) full-time (exclusively public defense) 2) fully supported 3) for cases of
16 average complexity and effort for ~~in~~ each case type specified and 4) reasonably evenly

17 ³ The American Bar Association's Ethics Opinion 06-441 states in part:

18 If workload prevents a lawyer from providing competent and diligent representation to existing clients,
19 she must not accept new clients. If the clients are being assigned through a court appointment system,
20 the lawyer should request that the court not make any new appointments. Once the lawyer is representing
21 a client, the lawyer must move to withdraw from representation if she cannot provide competent and
22 diligent representation.

21 Available at https://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/lsc-laid-ethics-opinion-06-441.pdf.

22 ⁴ See, [ABA Eight Guidelines of Public Defense Related to Excessive Workloads](#), Guidelines 1, 4, 5, 6,
23 7, 8 (August 2009).

1 distributed throughout the year. Fully supported, full-time defense attorneys are attorneys
2 who meet or exceed Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of
3 these Standards.

4 3.E. Mix of Case Types and Private Practice.

5 If a public defense attorney accepts appointment to cases from more than one case type, this
6 standard should be applied proportionately to determine a maximum full caseload.

7 Attorneys should not accept more public defense cases than the percentage of time their other
8 work and commitments allow. The number of public defense cases or case credits should be
9 based on the percentage of time available for the attorney to represent public defense clients.

10 Each individual or organization that contracts to perform public defense services for a county
11 or city shall report to the county or city hours billed for nonpublic defense legal services in the
12 previous calendar year, including number and types of private cases.⁵

13 3.F. Attorney Experience.

14 The experience of a particular attorney is a factor in the composition of cases types in the
15 attorney's caseload, but it is not a factor in adjusting the applicable numerical caseload limits
16 except as follows: attorneys with less than six months of full-time public defense experience as
17 an attorney should not be assigned more than two-thirds of the applicable maximum numerical
18 caseload limit.

19 3.G. Impact of Public Defense Time Other Than Case Appointments.

20 Assessing an attorney's maximum caseload or workload limit must include accounting for work
21 in addition to new cases assigned. Time spent on vacation, sick leave, holidays, training,
22

23

⁵ RCW 10.101.050.

1 supervision, administrative duties, and court improvement work groups must also be accounted
2 for.

3 3.H. Definition of case.

4 A case is a new court filing or action that names a person who is eligible for appointment of
5 a public defense attorney for example, an adult criminal charging instrument a juvenile court
6 offender or BECCA petition a dependency, Title 13 guardianship, or termination of parental
7 rights petition a civil commitment petition or an appeal.

8 3.I Adult Criminal and Juvenile Court Offender Trial Court Cases

9 1. Adult Criminal and Juvenile Court Offender Cases

10 a. An attorney appointed to an Adult Criminal or Juvenile Court Offender case receives the
11 case weight/credit or hours credit toward the attorney's annual caseload that is listed in Standard
12 3.J. and in the Appendix. In multi-count cases, the charge with the highest case category dictates
13 the case's credit or hourly value. If the highest charge is amended or otherwise changed to a
14 charge that is more serious than originally charged, the attorney(s) shall receive the additional
15 case credit value. In the event a charge is amended to a less serious charge, the attorney shall
16 still be given caseload credit for the original, higher charge as of the time the attorney was
17 appointed to the case.

18 b. A charging document filed against a client arising out of a single event or series of events
19 and being prosecuted together is presumed to be one case. Determining whether a case number
20 is one or multiple cases is determined by the supervisor or appointing agency after reviewing
21 the charging information, amended charging documents, or an order to sever counts.

22 2. Reappointment. Reappointment of the previously appointed attorney to a case in which a
23 bench warrant was issued does not count as a new case if the warrant was issued within the

1 twelve months prior to the reappointment. New case credits can be awarded as approved by a
2 supervisor or appointment authority on a case-by-case basis.

3 3. Partial Representation. The following must be taken into account when assessing an
4 attorney's numerical caseload or when adjusting case credits assigned to attorney: partial case
5 representations (cases in which an attorney withdraws or is substituted pursuant to CrR 3.1(e)
6 and CrRLJ 3.1(e)), sentence or probation violations, cases in specialty or therapeutic courts,
7 transfers, extraditions, representations of material witnesses, pretrial advice including on-call
8 availability, petitions for conditional release or final discharge, and other matters that do not
9 involve a new criminal charge. Time spent by attorneys representing multiple clients on first
10 appearance, arraignment, or other calendaring hearings must be accounted for in reducing the
11 number of maximum trial cases that can be assigned.

12 a. Transferred Case. When a public defense attorney's representation ends prior to the entry
13 of a final order or judgment (for example, attorney withdrawal pursuant to CrR 3.1(e) or CrRLJ
14 3.1(e), the supervising attorney or appointing authority shall determine the case credit value to
15 be awarded to each attorney based on the amount of time each attorney contributes.

16 b. Co-Chairs. When two or more lawyers are assigned as co-chairs, the supervising attorney
17 or appointing authority shall determine the case credit value to be awarded to each attorney
18 based on the amount of time each attorney contributes, including mentoring by the non-
19 Supervisor Lead Counsel.

20 c. Transferred and Co-Chaired cases frequently take more time to complete than the average
21 case. Additional credits may need to be applied. For the case category Felony High - Murder
22 and Felony High – LWOP case types, there is a presumption that two or more lawyers will be
23 assigned as co-chairs.

1 d. Court Calendar Positions.

2 i. Specialty or Therapeutic Courts: a criminal case resulting in admission to a Specialty or
3 Therapeutic Court generally should not count as a case for the attorney covering the Specialty
4 or Therapeutic Court. The case credit shall be applied exclusively to the originally assigned
5 attorney(s) prior to the transfer into a Specialty or Therapeutic Court.

6 ii. Calendar Coverage: A criminal case appearing on a calendar where an attorney provides
7 partial representation with no expectation of additional representation after the initial hearing
8 shall not count as a case for the attorney covering the court calendar. This partial representation
9 can include but is not limited to representing clients on: probable cause or first appearance
10 calendars arraignment calendars failures to appear, warrant return, quash, and
11 recommencement of proceedings calendars preliminary appointments in cases in which no
12 charges are filed extradition calendars and other matters or representations of clients that do
13 not involve new criminal charges.

14 iii. Court Calendar Attorney Time: The workload of Specialty and Therapeutic Court attorneys
15 and attorneys designated, appointed, or contracted to represent groups of clients on a court
16 docket, without an expectation of further or continuing representation, shall be assessed and
17 subtracted from the annual, assumed 1,650 hours monitored by the supervising attorney or
18 appointing authority to ensure the attorney does not work more than 1,650 hours in a 12-month
19 period.

20 4. Probation Violation Cases. Appointment of a public defense attorney to represent a person
21 on one or more original case numbers where a probation violation(s) or show cause order(s) has
22 been filed is presumed to count as 1/3 credit of the Felony or Misdemeanor Case Credit.

23

1 Additional case credits can be awarded as approved by a supervisor or appointing authority on
2 a case-by-case basis.

3 3.J. Maximum Case Credit Limit for Adult Criminal and Juvenile Court Offender Cases Each
4 Year.

5 This Section shall be implemented according to the schedule in Section 3.O.

6 The maximum number of case credits for a fully supported, full-time public defense attorney
7 each calendar year is based on an assumed 1650-hour case-related hours available each year.

8 This number represents the assumed time an attorney in Washington has available each year to
9 devote to public defense clients' representation. It excludes annual time for leave (for example,
10 vacation, sick, PTO, FMLA) holidays, CLEs and training, supervision, and other time that is
11 not case-related).⁶

12 The maximum annual caseload case credits for each category of Adult Criminal and Juvenile
13 Court Offender cases are based on the National Public Defense Workload Study (September
14 2023).⁷

15 The maximum annual caseload for a full-time **felony** attorney is 47 case credits.

16

17

18 ⁶ See National Public Defense Workload Study, p. 99 (2023). In addition, the Washington Defender
19 Association Indigent Defense Standards (1989) states: An accepted standard for attorneys is to work
20 1650 billable hours per year. [https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-
Standards-with-Commentary_18.12.06.pdf](https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-Standards-with-Commentary_18.12.06.pdf). Similarly, a study for the Massachusetts Committee for
21 Public Counsel Services determined that an appropriate number of hours to spend directly representing
22 clients per year is 1,662 hours, after deducting holidays, vacation time, training, and non-case duties.
Center for Court Innovation, *The Committee for Public Counsel Services Answering Gideon's Call
Project (2012-DB-BX-0010) Attorney Workload Assessment 12* (Oct. 2014), available
at [https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-
Assessment.pdf](https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-Assessment.pdf).

23 ⁷ National Public Defense Workload Study, p. 85 (2023).

1 **Case credits** for each Felony case category appointment shall be as follows (see the Appendix
2 for case types falling within each category):

| | |
|----------------------------------|-----|
| 3 Felony High-LWOP: ⁸ | 8 |
| 4 Felony High-Murder: | 7 |
| 5 Felony High-Sex: | 5 |
| 6 Felony High: | 3 |
| 7 Felony Mid: | 1.5 |
| 8 Felony Low: | 1 |

9 The maximum annual caseload for a full-time **misdemeanor** attorney is 120 case credits.

10 Case credits for each Misdemeanor case category appointment shall be as follows:

| | |
|----------------------|-----|
| 11 Misdemeanor High: | 1.5 |
| 12 Misdemeanor Low: | 1 |

13 If a case resolves relatively quickly, before an attorney has done significant work on the matter,
14 the attorney will be credited with a proportional, reduced amount of the credits initially
15 assigned.

16 3.K. Other Case Types.⁹

17 Appeals. 36 appeals to an appellate court hearing a case on the record and briefs per attorney
18 per year. (The 36 standard assumes experienced appellate attorneys handling cases with
19 transcripts of an average length of 350 pages. If attorneys do not have significant appellate
20

21 _____
22 ⁸ Felony-High LWOP does not apply to Juvenile Court Offender cases.

23 ⁹ The standards under this subsection, with the exception of family defense caseload standards, are under
24 review. To provide guidance in the interim, the prior standards are included only until revisions are
approved.

1 experience and/or the average transcript length is greater than 350 pages, the caseload should
2 be accordingly reduced.)

3 Family Defense. Family defense attorneys shall not represent more than 35 family defense
4 clients or carry more than 40 open and active family defense cases at any given time. State
5 agencies responsible for administering family defense representation may adopt case weighting
6 standards not inconsistent with these standards. A supervising attorney assigned as co-counsel
7 may count that client or case towards their total under this rule.

8 Civil Commitment. 250 Civil Commitment cases per attorney per year.

9 3.L. Additional Considerations.

10 1. Caseload limits require a reasonably even number of case appointments each month, based
11 on the number of cases appointed in prior months.

12 2. Resolutions of cases by pleas of guilty to criminal charges on a first appearance or
13 arraignment docket are presumed to be rare occurrences requiring careful evaluation of the
14 evidence and the law, as well as thorough communication with clients, and must be counted as
15 one case.

16 3.M. Full-Time Rule 9 Interns.

17 Rule 9 interns who have not graduated from law school may not have caseloads or workloads
18 that exceed twenty-five percent (25 %) of the maximum limits established for full-time
19 attorneys.

20 3.N. Attorneys in Jurisdictions that Do Not Follow Case Credit System in Standard 3.J.

21 Attorneys in jurisdictions that do not use the case credit system in Standard 3.J shall be
22 employed by, contract with, or be appointed by the local government entity responsible for
23 those functions only if the jurisdiction has adopted and published a numerical caseload or

1 workload maximum that is consistent with the caseload and workload limits set in Standard 3.J.

2 Such a caseload or workload maximum must:

3 a) Recognize the greater or lesser workload required for cases compared to an average based
4 on a method that adequately assesses and documents the workload involved

5 b) Be consistent with these Standards, professional performance guidelines, and the Rules of
6 Professional Conduct

7 c) Not institutionalize systems or practices that fail to allow adequate attorney time for
8 competent and diligent representation

9 d) Be periodically reviewed and updated to reflect current workloads and be filed with the
10 State of Washington Office of Public Defense.

11 3.O. Implementation of Standards.

12 Standard 3 shall be implemented in phases and shall go into effect on July 2, 2025. The 2024
13 revisions to these Indigent Defense Standards shall be implemented on the following schedule:

14 Until July 2, 2025, the caseload standards as adopted in pre-existing *WSBA Standards of*
15 *Indigent Defense Services* and *Court Rule Standards of Indigent Defense* shall apply. The
16 caseload of a full-time public defense attorney or assigned counsel shall not exceed the
17 following:

18 150 Felonies per attorney per year

19 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
20 numerical case weighting system as described in this Standard, 400 cases per year

21 250 Juvenile Offender cases per attorney per year.

22 Phase 1:
23

1 Beginning July 2, 2025, within the twelve months following, each full-time felony attorney
2 shall be assigned cases constituting no more than 110 felony case credits and each full-time
3 misdemeanor attorney shall be assigned cases constituting no more than 280 misdemeanor case
4 credits. Beginning July 2, 2025, family defense attorneys shall not represent more than 45
5 family defense clients or carry more than 60 open and active cases at any given time.

6 Phase 2:

7 Beginning July 2, 2026, within the twelve months following, each full-time felony attorney
8 shall be assigned cases constituting no more than 90 felony case credits and each full-time
9 misdemeanor attorney shall be assigned cases constituting no more than 225 misdemeanor case
10 credits. Beginning July 2, 2026, family defense attorneys shall not represent more than 35
11 family defense clients or carry more than 40 open and active cases at any given time.

12 Phase 3:

13 Beginning July 2, 2027, and for any twelve-month period following, each full-time felony
14 attorney shall be assigned cases constituting no more than 47 felony case credits and each full-
15 time misdemeanor attorney shall be assigned cases constituting no more than 120 misdemeanor
16 case credits.

18 **Standard 4: Responsibility of Expert Witnesses**

19 **Standard:**

20 4.A. Expert Witnesses

21 Jurisdictions that administer public defense services shall provide reasonable compensation for
22 expert witnesses necessary for preparation and presentation of the case. Expert witness costs
23

1 should be maintained and allocated from funds separate from those provided for attorney legal
2 representation.

3 Jurisdictions shall adopt and publish procedures to confidentially receive, review, and grant
4 requests for expert witness services. In jurisdictions where attorneys are required to request
5 approval for expert witnesses or other necessary services from the court, such motions shall be
6 *ex parte* and include a motion to seal. The public defense attorney should be free to retain the
7 expert of their choosing and shall not be required to select experts from a list pre-approved by
8 either the jurisdiction, the court, or the prosecution.

9 4.B. Mitigation Specialists, Social Workers

10 Mitigation specialists and social workers shall be made readily available to public defense
11 attorneys to provide support, such as release plans, treatment services, housing, health care, and
12 to develop dispositional and sentencing alternatives.

13 In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist
14 or social worker shall be provided for every three full-time attorneys. Public defense agencies
15 shall make meaningful progress towards this ratio prior to July 3, 2028.¹⁰ Attorneys representing
16 clients in post-adjudication phases may require different resources. Public defense agencies that
17 do not employ a sufficient number of mitigation specialists or social workers to meet this ratio
18
19

20 ¹⁰ Support staff necessary for effective representation includes one supervisor for every ten attorneys
21 one investigator for every three attorneys one social service caseworker for every three attorneys one
22 paralegal for every four felony attorneys and one secretary for every four felony attorneys. Bureau of
23 Justice Assistance, United States Department of Justice's *Keeping Defender Workloads Manageable*, 10
(2001), available at <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>. See also, National Association for
Public Defense Policy Statement on Public Defense Staffing (May 2020), available at
<https://publicdefenders.us/resources/policy-statement-on-public-defense-staffing/>.

1 shall enter into contracts with additional mitigation specialists or social workers to provide the
2 same resource level.

3 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
4 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
5 in post-adjudication phases may require different resources.

6 Public defense attorneys under contract or in assigned counsel systems should have access to
7 mitigation specialists and social workers, consistent with 4.A.

8 For public defense agencies responsible for administering the funding for parent representation,
9 by July 3, 2028, a minimum of one full-time family defense social worker or family defense
10 social service worker shall be provided for every one full-time attorney representing parents in
11 family defense proceedings, on a pro rata basis according to the size of the contract. Public
12 defense agencies responsible for administering the funding for parent's defense shall make
13 meaningful progress towards the ratio of one full-time family defense social worker or family
14 defense social service worker for every one full-time parent's defense attorney prior to July 3,
15 2028. Public defense agencies responsible for administering the funding for child and youth
16 representation shall ensure that adequate social work support services are made available to
17 meet the case and support needs of children and youth in family defense cases.

18 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
19 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
20 in post-adjudication phases may require different resources.

21 Public defense attorneys under contract or in assigned counsel systems should have access to
22 mitigation specialists and social workers, consistent with 4.A.

23 4.C. Mental Health Professionals for Evaluations

1 Each public defense agency or attorney shall have access to mental health professionals to
2 perform mental health evaluations.

3 4.D. Interpreters and Translators

4 All individuals providing public defense services (attorneys, investigators, experts, support
5 staff, etc.) shall have access to qualified interpreters to facilitate communication with Deaf and
6 hearing-impaired individuals, and persons with limited English proficiency. Similarly, all
7 public defense providers shall have access to translators to translate vital documents and
8 resources from English to the client's primary language.¹¹

9 4.E. Cost of Expert Services

10 Consistent with Washington Rule of Professional Conduct (RPC) 1.8(m)(1)(ii), attorneys shall
11 not be required to bear the costs of expert services.

12
13 **Standard 5: Administrative Costs**

14 **Standard:**

15 5.A. Administrative Services Necessary for Law Offices

16 Jurisdictions shall provide funding for administrative costs associated with legal representation.
17 These costs include, but are not limited to travel telephones law library, including electronic
18 legal research financial accounting case management systems computers and software
19 equipment office space and supplies internet services training and other costs necessarily
20 incurred for public defense representation and necessary to comply with the requirements
21 imposed by these standards.

22
23 ¹¹ See, RPC 1.4 Communication.

1 Providing for these costs is necessary for all public defense structures, including agency,
2 contract, and assigned counsel systems.

3 5.B. Law Offices Must Accommodate Confidential, Prompt, and Consistent Client
4 Communication

5 All public defense attorneys shall have access to an office that accommodates confidential
6 meetings with clients and receipt of mail, and adequate telephone and electronic services to
7 ensure prompt response to client contact. Public defense attorneys and clients must have prompt
8 and consistent access to interpreter services

9

10 **Standard 6: Investigators**

11 ***Standard:***

12 6.A. Access to Investigation Services

13 Public defense representation must include access to investigation services. Public defense-led
14 investigation is necessary for representing clients for purposes of verifying facts, identifying
15 and questioning witnesses, and testing the evidence presented by the opposing party.

16 6.B. Investigation for Public Defense Agencies

17 In public defense agencies, by July 3, 2028, a minimum of one full-time investigator shall be
18 employed for every three full-time trial court level (adult and/or juvenile) attorneys.¹² Public
19 defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028. Public

20

21 ¹² National Association of Public Defense Policy Statement on Public Defense Staffing (May 2020):
22 ntil empirical studies are further able to determine the number of staff necessary to support the lawyer,
23 public defense systems, at a minimum, should provide, one investigator for every three lawyers, one
mental health professional, often a social worker, for every three lawyers, and one supervisor for every
10 litigators. Additionally, there should be one paralegal and one administrative assistant for every 4
lawyers.

1 defense agencies that do not employ a sufficient number of investigators to meet this ratio shall
2 enter into contracts with additional investigators to provide the stated resource level. Temporary
3 reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies
4 do not constitute failure to comply with this standard. Attorneys representing clients in post-
5 adjudication phases may require different investigation resources.

6 6.C. Investigation for Contract and Assigned Counsel

7 When public defense attorneys work under contracts or assigned counsel systems, jurisdictions
8 must ensure that they have the same level of access to investigators as described in 6.B. Local
9 jurisdictions shall adopt and publish confidential procedures to receive, review, and grant
10 requests for investigation services. In jurisdictions where attorneys are required to request court
11 approval for investigative services, such motions shall be *ex parte*, consistent with the
12 requirements of Washington Rule of Professional Conduct 1.8(m)(1)(ii) and court rules.

13 6.D. Investigation for *Pro Se* Litigants

14 All jurisdictions should make conflict free investigation services available to indigent
15 defendants or respondents who are representing themselves in all cases in which the court has
16 approved waiver of their right to court-appointed counsel.

17 6.E. Cost of Investigation Services

18 Consistent with Washington Rule of Professional Conduct 1.8(m)(1)(ii), attorneys shall not be
19 required to bear the costs of investigation services.

21 **Standard 7: Support Services**

22 **Standard:**

23 7.A. Support Services Necessary for Legal Defense

1 In addition to the necessary resources described in Standards Four, Five, and Six, public defense
2 attorneys shall have adequate legal and administrative support. Legal and administrative support
3 services include, but are not limited to, administrative assistants, legal assistants, paralegals,
4 human resources, finance, reception services, and IT and data management administrators.
5 These professionals are essential for effective legal defense and an operational law office.
6 Jurisdictions shall ensure all public defense attorneys have access to needed support services as
7 provided in this Standard and as required by Washington Rule of Professional Conduct 1.4 to
8 ensure attorney/client communication.

9 7.B. Providing for Support Services in Contract and Assigned Counsel Compensation

10 The support services described in 7.A. are required for all public defense attorneys, regardless
11 of their employment, contract or assigned counsel status. Contract and assigned counsel
12 attorneys shall receive compensation at levels that ensure these non-attorney support services
13 are provided.

14 7.C. Necessary Legal Assistants/Paralegals Ratio

15 In public defense agencies, by July 3, 2028, a minimum of one full-time legal assistant or
16 paralegal shall be employed for every four full-time attorneys. Public defense agencies shall
17 make meaningful progress towards this ratio prior to July 3, 2028.

18 Public defense agencies that do not employ a sufficient number of legal assistants or paralegals
19 to meet this ratio should enter into contracts with qualified professionals to provide the same
20 resource level or request authorization of such services *ex parte* or administratively.

21 Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling
22 vacancies do not constitute failure to comply with this standard. Attorneys representing clients
23 in post-adjudication phases may require different resources.

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Standard 8: Reports of Attorney Activity

Standard:

Jurisdictions and family defense contracting agencies shall require all public defense attorneys to use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours and case dispositions. Data from these systems should be routinely reported to public defense administrators in a manner in which confidential, secret, and otherwise non-public information are not disclosed. Consistent with Standard Eleven, public defense administrators should review these reports on a regular basis to monitor compliance with these Standards.

For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

Standard 9: Training

Standard:

9.A. Annual Training

All public defense attorneys shall participate in regular training, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. Training should include relevant topics including training specific to certain case types as required in Standard Fourteen, the types of cases assigned (for example, criminal, dependency, appellate), racial and ethnic disparities, elimination of bias, mental illnesses, improved and effective communication with clients, forensic sciences, and other topics that impact legal

1 representation. Every public defense attorney should attend training that fosters trial or appellate
2 advocacy skills and review professional publications and other media.

3 9.B. Onboarding and Training of New and Current Attorneys

4 Public defense agencies and contracted private law firms should develop their own practices
5 and procedures to onboard and train new attorneys. Offices should develop written materials
6 (e.g. manuals, checklists, hyperlinked resources) to inform new attorneys of local rules and
7 procedures of the courts in their jurisdiction.

8 In offices of more than seven attorneys, an orientation and training program for new attorneys
9 and legal interns should be held to inform them of office procedures and policies. All attorneys
10 should be required to attend regular in-house training programs on developments in their legal
11 representation areas.

12 9.C Continuing Education for Public Defense Non-Attorneys

13 Funding for training for all public defense non-attorneys must be provided. A fully supported
14 public defense attorney is one whose staff and expert service providers receive educational
15 opportunities and up-to-date trainings to ensure they can meet their profession's best practices.
16 This may include attendance at national conferences and regular access to online trainings, such
17 as those offered by the Washington State Office of Public Defense, Washington Defender
18 Association, the National Association for Public Defense, the National Legal Aid and Defender
19 Association, the National Alliance of Sentencing Advocates and Mitigation Specialists, the
20 National Defense Investigator Association, the National Federation of Paralegal Associations,
21 and the National Association for Legal Support Professionals.

22 23 **Standard 10: Supervision**

1 **Standard:**

2 10.A. General Provisions.

3 In public defense agencies and contracted private law firms, a minimum of one full-time
4 supervisor should be employed for every ten full-time public defense attorneys or one half-time
5 supervisor for every five public defense attorneys. Full-time supervisors should not carry
6 caseloads, but supervisors may act as co-counsel in a limited number of cases to provide
7 mentoring and training experience for their supervisees. Part-time supervisors should limit their
8 caseloads on a pro-rata basis. Supervisors should have training in personnel management and
9 supervision. Supervisors should be qualified under Standard 14 for the practice area(s) they are
10 supervising.

11 10.B. Supervision for Family Defense Representation

12 Supervising Attorney Standard: Where a contracted provider is contracted for more than one
13 full-time equivalent (FTE), they shall designate one full-time supervising attorney for every ten
14 full-time family defense attorneys. A parttime supervising attorney should limit their caseload
15 on a pro-rata basis. Supervisors may act as co-counsel in a limited number of cases to provide
16 mentoring and training experience for their supervisees. To be a supervising attorney for family
17 defense cases, the attorney must meet the criteria as set forth in Standard 14.C.4.a. Where a
18 contracted provider is contracted for one FTE or less, the Office of Public Defense or the Office
19 of Civil Legal Aid shall make available programs to support co-counsel opportunities,
20 mentoring programs, or training experiences, as set forth in Standard 14.

21
22 **Standard 11: Monitoring and Evaluation of Attorneys**

23 **Standard:**

1 All jurisdictions shall provide a mechanism for systematic monitoring of public defense
2 attorneys and their caseloads and ensure timely review and evaluation of public defense
3 services. Monitoring and evaluation should include, but not be limited to, review of reports
4 submitted per Standard Eight, review of time and caseload assignments, in-court observations,
5 periodic conferences, verification of attorney compliance with Standard Nine training
6 requirements, verification of compliance with Certifications of Compliance with the Supreme
7 Court's *Court Rule Standards*, and management of client complaints, consistent with Standard
8 Fifteen.

9 Attorneys should be evaluated on their skill and effectiveness as advocates, including their
10 communication with clients.

11

12 **Standard 12: Substitution of Counsel**

13 **Standard:**

14 12.A. Availability at No Cost to Attorney.

15 Consistent with Standard 1.E, alternate or conflict public defense attorneys shall be available
16 for substitution in conflict situations at no cost to the attorney declaring the conflict.

17 12.B. Subcontracting.

18 Public defense contracts and assigned counsel policies should prohibit counsel from
19 subcontracting with another firm or attorney to provide representation, absent approval of the
20 public defense administrator.

21 12.C. Attorney Names.

22 In contract and assigned counsel systems, the public defense administrator should receive the
23 names and experience levels of those attorneys who will be and actually are providing the legal

1 representation, to ensure the attorneys meet the minimum qualifications required by Standard
2 14.

3 12.D. Continuing Representation and Client Files.

4 Public defense contracts and assigned counsel policies shall address the procedures for
5 continuing representation of clients upon the conclusion of the contract or case assignment.

6 Public defense contracts and assigned counsel policies shall include which attorney or firm or
7 public defense office is responsible for maintaining client files confidentially when a contract
8 terminates or case assignment ends.¹³

9
10 **Standard 13: Limitations on Private Practice**

11 **Standard:**

12 Private attorneys who provide public defense representation shall set limits on the amount of
13 privately retained work which can be accepted. These limits shall be based on the percentage
14 of a full-time caseload which the public defense cases represent.

15
16 **Standard 14: Qualifications of Attorneys**

17 **Standard:**

18 14.A. Minimum Qualifications for All Public Defense Attorneys
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22 ¹³ See, WSBA Guide to Best Practices for Client File Retention and Management at:
23 [https://www.wsba.org/docs/default-source/resources-services/practice-management-\(lomap\)/guide-to-best-practices-for-client-file-retention-and-management.pdf](https://www.wsba.org/docs/default-source/resources-services/practice-management-(lomap)/guide-to-best-practices-for-client-file-retention-and-management.pdf?sfvrsn=306a3df1_10) sfvrsn 306a3df1_10.

1 To assure that persons entitled to legal representation by public defense attorneys receive the
2 effective assistance of counsel, public defense attorneys shall meet the following minimum
3 professional qualifications:

- 4 1. Be admitted to practice law in Washington
- 5 2. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant
6 to their practice area
- 7 3. Be familiar with the Washington Rules of Professional Conduct
- 8 4. Be familiar with the Performance Guidelines for Criminal Defense Representation
9 approved by the Washington State Bar Association when representing youth, be familiar with
10 the Performance Guidelines for Juvenile Defense Representation approved by the Washington
11 State Bar Association when representing respondents in civil commitment proceedings, be
12 familiar with the Performance Guidelines for Attorneys Representing Respondents in Civil
13 Commitment Proceedings approved by the Washington State Bar Association and when
14 representing respondents in dependency proceedings, be familiar with Dependency
15 (parent/child) performance guidelines referenced in 14.C.2, below
- 16 5. Be familiar with the processes to seek interlocutory relief
- 17 6. Be familiar with the Washington State Guidelines for Appointed Counsel in Indigent
18 Appeals
- 19 7. Attorneys representing adults in criminal cases or children and youth in Juvenile Court
20 cases must be familiar with the consequences of a conviction or adjudication, including but not
21 limited to, the requirement to register as a sex offender, possible immigration consequences and
22 the possibility of civil commitment proceedings based on a criminal conviction and possible
23 impacts in future criminal proceedings

1 8. Be familiar with the impact of systemic bias and racism and racial disproportionality in
2 the legal system

3 9. Be familiar with mental health and substance use issues and be able to identify the need
4 to obtain expert services related to the case and for the client

5 10. Attorneys representing children and youth in Juvenile Court cases must have knowledge,
6 training, experience, and the ability to communicate effectively with children and youth, and be
7 familiar with the Juvenile Justice Act

8 11. Attorneys representing children and youth in dependency cases must have knowledge,
9 training, experience and the ability to communicate effectively with children and youth and

10 12. Complete seven hours of continuing legal education within each calendar year in courses
11 relating to their public defense practice.

12 14.B. Additional Information Regarding Qualifications Overall

13 1. An attorney previously qualified for a category of case under earlier versions of these
14 WSBA Standards, Court Rule Standards, or Washington Supreme Court Emergency Orders
15 remains qualified.

16 2. Attorneys working toward qualification for a particular category of cases may associate
17 as co-counsel with a lead counsel who is qualified under these standards for that category of
18 case.¹⁴ Co-counseling is encouraged.

19 3. These qualifications standards require trial experience for most categories of cases – either
20 as lead counsel, or co-counsel, and for handling a significant portion of a trial. A significant
21 portion of a trial means planning or participating in essential aspects of a trial which includes,
22

23 ¹⁴ Attorneys should keep records of cases in which the attorney served as co-counsel, trials, and
attendance at trial academies.

1 but is not limited to, motions in limine, jury selection, opening statements, direct and cross
2 examination, motions and objections, preparation of and advocacy for jury instructions, and
3 closing arguments.

4 4. Each attorney should be accompanied at their first trial by a supervisor or a more
5 experienced attorney, if available. If a supervisor or more experienced attorney is not available
6 to accompany the attorney at their first trial, the attorney, before their first trial, must consult
7 about the case with a more experienced attorney in their office or an outside more experienced
8 attorney such as Washington Defender Association resource attorneys.

9 5. Each attorney must have sufficient resources, including support staff and access to
10 professional assistance, to ensure effective legal representation and regular availability to clients
11 and others involved with the attorney's public defense work.

12 6. These qualifications standards apply to the highest case category or charge at any time in
13 the life of the case for example, in criminal cases, any time from first appearance or arraignment
14 through sentencing and post-trial motions.

15 7. Attorneys accepting appointment in the various categories of cases designated in Standard
16 Three shall have the qualifications listed below, in addition to those in 14.A.1–14.A.12.

17 8. Experience as an Admissions and Practice Rule (APR) 6 or 9 legal intern cannot be used
18 to meet the experience requirements for these qualifications.

19 14.C. Attorneys' qualifications by Category/Type of Case and Representation Type (Trial or
20 Appellate)

21 **1. Overview of Adult Criminal and Juvenile Court Cases – Trial Level**

22 a. These qualifications are based on the following categories of cases:

- 23 • Misdemeanor-Low and Misdemeanor Probation Revocation Hearings

- 1 • Misdemeanor-High
- 2 • Felony-Mid and Low
- 3 • Felony Sex Cases
- 4 • Felony High-Other
- 5 • Felony High-Life Without Parole (LWOP) Sentence and Murder
- 6 • Felony Re-Sentencing, Probation Violation or Revocation, and Reference
- 7 Hearings

8 b. To determine the qualifications standard that applies to a specific offense, the assigning
9 authority should refer to Appendix B to these standards that maps the RCW statutes to the above
10 categories.

11 i. If the legislature designates a felony offense as Class A that is, as of January 1, 2024, in
12 a lower case category, the case category should be presumed to be a Felony-High Other
13 until this standard in Appendix B lists it otherwise.

14 ii. If the legislature, after January 1, 2024, changes an offense from a misdemeanor or
15 gross misdemeanor to a felony, that case category should be presumed to be a Felony-Mid
16 and Low until this standard in Appendix B lists it otherwise.

17 iii. If the legislature, after January 1, 2024, creates a new misdemeanor or gross
18 misdemeanor, that case should be presumed to be a Misdemeanor-High until this standard
19 in Appendix B lists it otherwise.

20 c. Until such time as the above case categories are adopted as part of CrR 3.1, CrRLJ 3.1,
21 and JuCr 9.2, the attorney qualifications set out below are largely comparable to case
22 seriousness levels found in the Revised Code of Washington. Attorneys representing clients
23 charged with Life Without Parole (LWOP) cases or in murder or manslaughter cases shall meet

1 the qualifications listed below in Standard 14.C.2. Similarly, Felony-High categories apply to
2 attorneys representing clients in Class A Adult Felony Cases and Adult Sex Offense Cases. The
3 qualifications set out below for the Felony-Mid category apply to attorneys representing clients
4 in Class B Adult Felony Cases and Class B Adult Violent Cases and the qualifications set out
5 below for the Felony-Low category apply to attorneys representing clients in Adult Felony Class
6 C Cases. The qualifications listed below for Felony Re-Sentencing and Revocation and
7 Reference Hearings apply to attorneys representing clients in Felony Probation Revocation
8 cases. The qualifications listed below for D I-Low category apply to attorneys representing
9 clients in misdemeanor D I cases. The qualifications listed below for Adult Misdemeanor-Low
10 cases apply to attorneys representing clients in all other adult misdemeanor cases.

11 **2. Adult Criminal Trial Court Cases**

12 a. **Misdemeanor Low and Misdemeanor Probation Hearings** – Each attorney
13 representing a person accused of Misdemeanor Low cases or Misdemeanor Probation Hearings
14 shall meet the requirements as outlined in Section 14.A.

15 b. **Misdemeanor High Cases** – Each lead counsel representing a person accused of:

16 i. A misdemeanor **domestic violence**¹⁵ offense shall meet the requirements in Section
17 14.A and have attended a defense training or CLE on domestic violence representation.

18 ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and
19 have attended a defense training or CLE on drug offenses.

20 iii. A misdemeanor **sex offense**¹⁶ shall meet the requirements in Section 14.A and
21

22 ¹⁵ Listed in RCW 9.41.040(2)(a)(i)(B-D) or RCW 10.99.020(4).

23 ¹⁶ Includes a violation of RCW 9.68A.090 (Communicating with a Child for Immoral Purposes),
24 9A.44.063 (Sexual Misconduct with a Minor in the Second Degree), or an attempt, solicitation, or

- 1 1. Has served one year as a criminal defense attorney or prosecutor
- 2 2. Has been trial counsel alone or with other trial counsel and conducted a
- 3 significant portion of either:
 - 4 a. Two criminal cases in which the prosecution has rested, at least one of
 - 5 which was presented to a jury, or
 - 6 b. One criminal trial in which the prosecution has rested and has completed
 - 7 a trial training academy
- 8 3. Has attended a CLE on sex offenses including training about collateral
- 9 consequences of sex offense convictions and child hearsay.
- 10 iv. Each lead counsel representing a person accused of a **misdemeanor DUI** offense shall
- 11 meet the requirements in Section 14.A and has completed a CLE within the past two years
- 12 on the topic of D I defense representation.
- 13 c. **Felony Mid and Felony Low Cases** – Each lead counsel shall meet the following
- 14 requirements:
 - 15 i. The minimum requirements set forth in Section 14.A
 - 16 ii. Has served one year as a criminal defense attorney or one year as a prosecutor and
 - 17 iii. Has been trial counsel alone or with other trial counsel and conducted a significant
 - 18 portion of either:
 - 19 1. Two criminal trials in which the prosecution rested, or
 - 20 2. One criminal trial in which the prosecution has rested and has completed a trial
 - 21 training academy.

22 _____
23 conspiracy to commit a Class C felony that requires sex offender registration upon conviction pursuant to RCW 9A.44.140.

1 iv. Each attorney shall be accompanied at their first felony trial by an attorney who is
2 qualified for this or higher case categories.

3 d. **Felony Sex Cases** – Each lead counsel shall meet the following requirements:

4 i. The minimum requirements set forth in Section 14.A

5 ii. Has served two years as either a criminal defense attorney or prosecutor

6 iii. Has been trial counsel alone or with other trial counsel and handled a significant
7 portion of the trial in three felony cases in which the state has rested, at least one of which
8 was submitted to a jury and

9 iv. Has attended a CLE on sex offenses, including training about collateral consequences
10 of sex offense convictions and child hearsay.

11 Failure to Register as a Sex Offender cases are in the Felony-Mid and Low Category.

12 e. **Felony High – Other Cases** – Each lead counsel shall meet the following requirements:

13 i. The minimum requirements set forth in Section 14.A

14 ii. Has served two years as either a criminal defense attorney or prosecutor and

15 iii. Has been trial counsel alone or with other trial counsel and handled a significant
16 portion of the trial in three felony cases in which the state has rested, at least one of which
17 was submitted to a jury.

18 f. **Felony High – Life Without Parole and Murder Cases** – Each lead counsel shall meet
19 the following requirements:

20 i. The minimum requirements set forth in Section 14.A

21 ii. At least three years' experience in adult felony cases, including at least two years as a
22 defense attorney representing people in adult felony cases
23

1 iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has
2 rested, at least one of which was submitted to a jury and at least one of which was a
3 Felony-High case and

4 iv. Has completed a defense training or CLE on mitigation and challenging prior
5 convictions.

6 g. **Felony Resentencing, Revocation, or Reference Hearing** – Each lead counsel shall
7 meet the following requirements:

8 i. The minimum requirements set forth in Section 14.A and

9 ii. Be qualified to represent the client in a Felony-Mid and Low case.

10 h. **Felony Material Witness Representation** – Each attorney representing a material
11 witness shall be qualified to represent a client in Felony-Mid and Felony-Low cases, unless
12 there is reason to believe the witness has legal exposure for a more serious felony offense to be
13 charged, in which case lead counsel shall be qualified to represent a person accused of that more
14 serious offense.

15 i. **Specialty Courts** – Each attorney representing a client in a specialty court (e.g., mental
16 health court, drug court, veterans court, homelessness court, juvenile therapeutic court,
17 community court, and family therapeutic court) shall meet the following requirements:

18 i. The minimum requirements set forth in Section 14.A

19 ii. Be familiar with mental health and substance use issues, housing, treatment
20 alternatives, and when representing veterans, resources available for veterans.

21 **3. Juvenile Trial Court Cases** –The qualification requirements below apply to
22 representation of respondents in Juvenile Court.

23

1 a. **Misdemeanor Low and Misdemeanor Probation Hearings** – Each attorney
2 representing the accused in Misdemeanor-Low case or Misdemeanor Probation Hearings shall
3 meet the requirements as outlined in Section 14.A.

4 b. **Misdemeanor High Cases** – Each lead counsel representing a person accused of:

5 i. A misdemeanor **domestic violence**¹⁷ offense shall meet the requirements in Section
6 14.A and have attended a defense training or CLE on domestic violence representation.

7 ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and
8 have attended a defense training or CLE on drug offenses.

9 iii. A misdemeanor **sex offense**¹⁸ shall meet the requirements in Section 14.A and

10 1. Has served one year as a criminal defense attorney or prosecutor

11 2. Has been trial counsel alone or with other trial counsel and conducted a
12 significant portion of either:

13 a. Two criminal cases in which the prosecution has rested, at least one of
14 which was presented to a judge for verdict, or

15 b. The significant portion of one criminal trial in which the prosecution has
16 rested and has completed a trial training academy

17 3. Has attended a CLE on sex offenses including training about collateral consequences
18 of sex offense adjudications and child hearsay.

19
20
21 ¹⁷ Listed in RCW 9A.41.040(2)(a)(i)(B-D) or RCW 10.99.020(4)

22 ¹⁸ Includes a violation of RCW 9A.68A.090 (Communicating with a Child for Immoral Purposes),
23 9A.44.063 (Sexual Misconduct with a Minor in the Second Degree), or an attempt, solicitation, or
conspiracy to commit a Class C felony that requires sex offender registration upon conviction pursuant
to RCW 9A.44.140.

1 c. **Felony Mid and Felony Low Cases** – Each lead counsel shall meet the following
2 requirements:

3 i. Meet the requirements set forth in Section 14.A

4 ii. Has served one year as a criminal defense attorney or one year as a prosecutor and

5 iii. Has been trial counsel alone or with other trial counsel and conducted a significant
6 portion of either:

7 1. Two criminal trials in which the prosecution rested or

8 2. One criminal trial in which the prosecution has rested and has completed a trial
9 training academy.

10 iv. Each attorney shall be accompanied at their first felony trial by an attorney who is
11 qualified for this or higher case categories.

12 d. **Felony Sex Cases** – Each lead counsel shall meet the following requirements:

13 i. The minimum requirements set forth in Section 14.A

14 ii. Has served two years as either a criminal defense attorney or prosecutor

15 iii. Has been trial counsel alone or with other trial counsel and handled a significant
16 portion of the trial in three felony cases in which the state has rested and

17 iv. Has attended a CLE on sex offenses, including training about collateral consequences
18 of sex offense convictions and child hearsay.

19 Failure to Register as a Sex Offender cases are in the Felony Mid and Low Category.

20 e. **Felony High – Other Cases** – Each lead counsel shall meet the following requirements:

21 i. The minimum requirements set forth in Section 14.A

22 ii. Has served two years as either a criminal defense attorney or prosecutor and
23

1 iii. Has been trial counsel alone or with other trial counsel and handled a significant
2 portion of the trial in three felony cases in which the state has rested, at least one of which
3 was submitted to a judge or jury for verdict.

4 f. **Felony High – Murder Cases** – Each lead counsel shall meet the following requirements:

5 i. The minimum requirements set forth in Section 14.A

6 ii. At least three years’ experience in adult felony cases, including at least two years as a
7 defense attorney representing persons in adult felony cases and

8 iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has
9 rested, at least one of which was submitted to a judge for verdict and at least one of which
10 was a Felony-High case.

11 g. **Felony Resentencing, Revocation, or Reference Hearing** – Each lead counsel shall
12 meet the following requirements:

13 i. The minimum requirements set forth in Section 14.A and

14 ii. Is qualified to represent the client in a Felony-Mid and Low case.

15 h. **Specialty Courts** – Each attorney representing a client in a specialty court (e.g., mental
16 health court, drug court, veterans court, homelessness court, juvenile therapeutic court,
17 community court, and family therapeutic court) shall meet the following requirements:

18 i. The minimum requirements set forth in Section 14.A

19 ii. Be familiar with mental health and substance use issues, housing, treatment
20 alternatives, and when representing veterans, resources available for veterans.

21 i. **Juvenile Court Status Offense Cases** - Each lead counsel representing a client in a Child
22 in Need of Services (CHINS), At-Risk Youth (ARY), Truancy, or other status offense case shall
23 meet the following requirements:

1 i. The minimum requirements set forth in Section 14.A and

2 ii. Either:

- 3 1. Have represented youth in at least two similar cases under the supervision or
4 consultation with an attorney qualified under this case type, or
5 2. Completed at least three hours of CLE training specific to Juvenile Status
6 Offense Cases.

7 **4. Civil Cases – Trial Court Cases**

8 a. **Family Defense Cases –**

9 **i. Youth** - Each lead counsel representing children and youth in a family defense matter
10 shall meet the following requirements:

- 11 1. Meet the minimum requirements set forth in Section 14.A and
12 2. Abide, at minimum, by the *Representation of Children and Youth in*
13 *Dependency Cases Practice, Caseload and Training Standards*, (Rev. Sept. 2022)
14 established in accordance with Section 9, Chapter 210, Laws of 2021 and adopted
15 by the Washington State Supreme Court Commission on Children in Foster Care

16 **ii. Parents and Respondents in Family Defense Cases** – Each counsel representing
17 parents in a family defense matter shall meet the following requirements:

- 18 1. Meet the minimum requirements as outlined in Section 14.A and
19 2. Be familiar with the *American Bar Association Standards of Practice for*
20 *Attorneys Representing Parents in Abuse and Neglect Cases and the Family*
21 *Justice Initiative Attributes*.

22 **iii. All Family Defense Attorneys:**

1 **1. Must complete an orientation training on dependency, guardianship, and**
2 **termination law.** Where a contracted provider has an identified supervising
3 attorney, the supervising attorney may provide this orientation. Where a contracted
4 provider does not have an identified supervising attorney, this orientation shall be
5 provided by the contracting agency.

6 **2. Must have proficiency.** Where a contracted provider does not have a
7 supervising attorney, the contracting agency must perform an assessment of
8 proficiency and the need for any further orientation or consultation before the
9 contracted attorney can conduct any fact-finding or evidentiary hearing on their
10 own. To be assessed as proficient and able to effectively fulfill the duties of
11 representing families in dependency courts, the contracting agency shall consider,
12 at a minimum, the following:

- 13 i. The number of years of experience doing complex litigation.
- 14 ii. The number of years of dependency experience.
- 15 iii. Whether the attorney has experience using experts in dependency or
16 termination proceedings.
- 17 iv. Education, certification, or other demonstrated proficiency in child
18 welfare.
- 19 v. Whether they have previously acted as lead counsel in any of the
20 following proceedings:

- 21 1. Shelter Care
- 22 2. Dependency Fact Finding
- 23 3. Title 13 Guardianship or

1 4. Termination Trial.

2 For attorneys who do not have a supervising attorney and who have been assessed
3 by a contracting agency as lacking proficiency to handle a fact-finding or other
4 evidentiary hearing on their own, the Office of Civil Legal Aid and the Office of
5 Public Defense shall provide a consultation program for that attorney that:

- 6 i. Is consistent with RPCs regarding confidentiality, including but not
7 limited to RPC 1.6
- 8 ii. Is designed to assist attorneys new to family defense in dependency,
9 guardianship and termination cases, and
- 10 iii. Will allow consultants to provide technical assistance and additional
11 representation to parents or children assigned to the attorney.

12 **b. Civil Commitment Cases (RCW 71.05)** – Each lead counsel representing a respondent shall
13 meet the following requirements:

- 14 i. The minimum requirements set forth in Section 14.A
- 15 ii. Each lead counsel in a 90- or 180-day commitment hearing shall have prepared and
16 conducted at least five 14-day hearings
- 17 iii. Each lead counsel shall be accompanied at counsel’s first 90- or 180-day commitment
18 hearing by a supervisor or consult with a qualified attorney before the hearing
- 19 iv. Each lead counsel in a civil commitment trial shall have conducted at least two
20 contested 14-day hearings as lead counsel or been co-counsel with a more experienced
21 attorney in two 90- or 180-day contested commitment hearings.

1 v. Have a basic knowledge of the classification of mental disorders, as described in the
2 most recent Diagnostic and Statistical Manual of Mental Disorders (DSM)¹⁹ and other
3 resources, and the ability to read and understand medical terminology related to mental
4 disorders and treatment of persons with a mental illness, substance use disorder, co-
5 occurring disorders, and chemical dependency. Counsel shall have ready access to the
6 most recent DSM, as well as research resources for related medical conditions. Counsel
7 should also have basic knowledge and understanding of common personality disorders
8 and medical conditions that may produce similar symptoms. Counsel shall be familiar
9 with the classes of medication prescribed to treat mental disorders and chemical
10 dependency and the possible effect of those medications on the client’s ability to interact
11 with counsel and to participate in court proceedings. Counsel should be familiar with
12 treatment facilities, both in-patient and out-patient, that provide services to persons with
13 mental illness, including the scope of those services. Counsel should be familiar with local
14 facilities and state hospitals that may be remote from where the client lives. Counsel
15 should be familiar with the limitations on available treatment and transportation obstacles
16 associated with such facilities.

17 **c. Representing Clients Acquitted by Reason of Insanity (RCW 10.77)** – Each attorney
18 representing persons who are acquitted by reason of insanity in post-commitment proceedings
19 shall meet the following requirements:

20 i. The minimum requirements set forth in Section 14.A

21
22
23 ¹⁹ Counsel shall be familiar with the diagnostic manual in use by mental health professionals at the time
of sentencing and the time of any hearing.

1 ii. Have at least three years' experience of either criminal trial experience, dependency
2 experience, or civil commitment proceedings under RCW 71.05 and

3 iii. Has a basic knowledge of the classification of mental disorders, as described in the
4 most recent Diagnostic and Statistical Manual of Mental Disorders (DSM) and other
5 resources, related to the treatment of persons with a mental illness and substance use ²⁰
6 and

7 iv. Each counsel representing persons in this category shall meet qualification
8 requirements established by the Washington State Office of Public Defense for this type
9 of representation.

10 **d. Sex Offender Commitment Cases (RCW 71.09)** – There should be two attorneys on each
11 sex offender commitment case. The lead counsel shall meet the following requirements:

12 i. The minimum requirements set forth in Section 14.A

13 ii. At least three years' criminal trial experience

14 iii. One year experience as a felony trial defense or criminal appeals attorney

15 iv. One year of appellate experience or demonstrated legal writing ability

16 v. Has been lead defense counsel in at least one felony trial and

17 vi. Has experience as defense counsel in cases involving each of the following:

18 1. Mental health issues

19 2. Sexual offenses

20 3. Expert witnesses and

21 4. Familiarity with the Civil Rules.

22 _____
23 ²⁰ Counsel shall be familiar with the diagnostic manual in use by mental health professionals.

1 vii. Other counsel working on a sex offender commitment case should meet the minimum
2 requirements in Section 14.A and have either one year’s experience as a public defender
3 or significant experience in the preparation of criminal cases, including legal research and
4 writing and training in trial advocacy.

5 **e. Contempt of Court Cases (Child Support Enforcement)** – Each lead counsel representing
6 a respondent in a contempt of court case shall meet the following requirements:

- 7 i. The minimum requirements set forth in Section 14.A
- 8 ii. Each lead counsel shall be accompanied by a supervisor or more experienced
9 attorney at his or her first contempt of court hearing and at his or her first two contested
10 contempt of court hearings and participate in at least one consultation per case for their
11 first five non-contested hearings with a WDA resource attorney or another attorney
12 qualified in this area of practice and
- 13 iii. Be familiar with the Rules of Civil Procedure.

14 **5. Appellate Cases**

15 **a. Adult Criminal and Juvenile Court Representation in Appellate Courts Other Than**
16 **Superior Court RALJ Appeals** – Each lead counsel in an appellate matter before the Court of
17 Appeals or Supreme Court shall meet the following requirements:

- 18 i. The minimum requirements set forth in Section 14.A
- 19 ii. Has filed six appellate briefs as counsel for a party in the Washington Supreme Court
20 or Court of Appeals, or appellate courts of other jurisdictions, including at least five
21 criminal, dependency (RCW 13.34), civil commitment (RCW 71.05) or sex offender
22 commitment (RCW 71.09) cases or participated in consultation with a qualified attorney
23 in each case until this requirement is satisfied and

1 iii. Each lead counsel representing a client on appeal in a Felony High Murder, Felony
2 High LWOP, Felony High, or Sex Offender Commitment case shall:

- 3 1. Meet the requirements of Standard 14.C.5.a.ii and
- 4 2. Has filed 15 appellate briefs in criminal cases as counsel for a party in the
5 Washington Supreme Court or Court of Appeals, or appellate courts of other
6 jurisdictions, or shall participate in consultation with a qualified attorney in each
7 case until this requirement is satisfied.

8 **b. Dependency Representation in Appellate Courts** - Each lead counsel shall meet the
9 following requirements:

- 10 i. The minimum requirements set forth in Section 14.A
- 11 ii. The requirements in Standard 14.C.5.a.ii and
- 12 iii. Be familiar with the *American Bar Association Standards of Practice for Attorneys*
13 *Representing Parents in Abuse and Neglect Cases and the Family Justice Initiative*
14 *Attributes*.

15 **c. RALJ Misdemeanor Appeals and Writs to Superior Court** - Each lead counsel
16 representing a client in an appellate matter to Superior Court from a court of limited jurisdiction
17 shall meet the following requirements:

- 18 i. The minimum requirements set forth in Section 14.A and
- 19 ii. Either:
 - 20 1. Has clerked for an appellate court judge or
 - 21 2. Has represented clients in at least three substantive testimonial motion hearings
22 or trials or

1 3. Has the assistance of a more experienced attorney in preparing and arguing the
2 RALJ appeal.

3 **6. Legal Interns** - Legal interns who appear in court shall:

- 4 a. Meet the requirements set out in Section 14.A
- 5 b. Meet the requirements set out in APR 9
- 6 c. Receive training and supervision pursuant to APR 9 and
- 7 d. Complete an orientation and training program for legal interns.

8
9 **Standard 15: Disposition of Client Complaints**

10 **Standard:**

11 15.A. Jurisdictions that administer public defense services shall provide a process for receiving,
12 investigating, and promptly responding to client complaints. Complaints should first be directed
13 to the assigned attorney, firm, or agency that is providing or provided representation.

14 15.B. Public defense agencies and contractors with multi-attorney private firms shall include
15 investigation and disposition of client complaints in their supervisory services.

16 15.C. The complaining client should be informed as to the disposition of their complaint in a
17 timely manner.

18
19 **Standard 16: Cause for Termination of Defender Services and Removal of Attorney**

20 **Standard:**

21 Contracts for public defense services shall include the grounds for termination of the contract
22 by the parties. Termination of a public defense attorney's or private firm's contract unilaterally
23 by the jurisdiction should only be for good cause. Termination for good cause shall include, but

1 not be limited to, the failure of a contract attorney or firm to provide effective or quality
2 representation to clients the willful disregard of the rights and best interests of the client and
3 the willful disregard of these *WSBA Standards* or the *Court Rule Standards*.

4 Removal by the court of an appointed attorney from representation normally should not occur
5 over the objection of the attorney and the client.

7 **Standard 17: Non-Discrimination**

8 **Standard:**

9 Public defense contracts and assigned counsel policies shall include language prohibiting
10 discrimination by the jurisdiction, contractor, contractor's attorneys, or assigned counsel on the
11 grounds of race, ethnicity, religion, national origin, language, age, marital status, gender
12 identity, sexual orientation, or disability. The public defense administrator and all public
13 defense attorneys and support staff shall comply with all federal, state, and local non-
14 discrimination requirements.

16 **Standard 18: Guidelines for Awarding Defense Contracts**

17 **Standard:**

18 Recruitment for public defense contracts and assigned counsel lists should include efforts to
19 achieve a diverse public defense workforce.

20 Attorneys or firms applying for contracts or placement on assigned counsel lists must
21 demonstrate their ability to meet these Standards and the Supreme Court Standards for Indigent
22 Defense. Their contracts must comply with Washington Rule of Professional Conduct 1.8(m).

1 The county or city should award contracts for public defense services and select attorneys for
2 assigned counsel lists only after determining that the applicant has demonstrated professional
3 qualifications consistent with both these Standards and the Supreme Court Standards for
4 Indigent Defense. Under no circumstances should a contract be awarded on the basis of cost
5 alone.

6 Judges, judicial staff, city attorneys, county prosecutors, and law enforcement officers shall not
7 select the attorneys who will be included in a contract or an assigned counsel list.

8

9 **Standard 19: Independence and Oversight of Public Defense Services²¹**

10 **Standard:**

11 Public defense providers should not be restrained from independently advocating for the
12 resources and reforms necessary to provide defense related services for all clients. This includes
13 efforts to foster system improvements, efficiencies, access to justice, and equity in the legal
14 system.

15 Judges and judicial staff shall not manage and oversee public defense offices, public defense
16 contracts, or assigned counsel lists. Judges and judicial staff in superior courts and courts of
17 limited jurisdiction shall not select public defense administrators or the attorneys who provide
18 public defense services.

19

20

21 ²¹ See Principle 1 of the ABA Ten Principles of a Public Defense Delivery System and Commentary
22 (August 2023), including the recommendation a nonpartisan commission or advisory board oversee the
23 public defense function, thus safeguarding against undue political pressure while also promoting
efficiency and accountability for a publicly funded service.

1 Attorneys with public defense experience insulated from judicial and political influence should
2 manage and oversee public defense services.

3 The terms manage and oversee include: drafting, awarding, renewing, and terminating
4 public defense contracts adding attorneys or removing them from assigned counsel lists
5 developing case weighting policies monitoring attorney caseload limits and case-level
6 qualifications monitoring quality monitoring compliance with contracts, policies, procedures,
7 and standards and recommending compensation.

8 The agencies, organizations, and administrators responsible for managing and overseeing public
9 defense services shall apply these Standards, the Supreme Court Standards for Indigent
10 Defense, and the WSBA Performance Guidelines in their management and oversight duties.

11 Jurisdictions unable to employ attorneys with public defense experience to manage and oversee
12 public defense services shall consult with established city, county, or state public defense
13 offices, or engage experienced public defense providers as consultants regarding management
14 and oversight duties.

15
16 **CERTIFICATION OF COMPLIANCE**

17 **[Unchanged]**
18
19
20
21
22
23

TO: WSBA Board of Governors

CC: Terra Nevitt, Executive Director

FROM: Greg Link, Chair of CPD Appellate Defense Standards Subcommittee
Jason Schwarz, Chair, Council on Public Defense

DATE: August 13, 2024

RE: Proposed amendments to the WSBA and Court Standards for Indigent Defense Services creating interim appellate caseload standards

ACTION: (1) Approve amendments to the WSBA Standards for Indigent Defense Services implementing an interim appellate caseload standard. (2) Approve proposal of suggested amendments to the Washington Supreme Court Standards for Indigent Defense implementing an interim appellate caseload standard, and transmit the suggested amendments to the Court for their consideration.

Background

In March 2024, the Council on Public Defense (CPD) proposed amendments to the WSBA Standards for Indigent Defense Services (WSBA Standards), which were adopted by the WSBA Board of Governors. The Board of Governors also approved a proposal to the Washington Supreme Court asking the Court to adopt the WSBA Standards. While the revisions proposed by the CPD in March were comprehensive, the CPD intentionally did not address the standards specific to several particularized areas of practice, including appeals in public defense cases. The CPD did not seek to address standards for attorneys appointed to represent indigent clients in appeals in its initial proposals due to significant differences in practice between appeals and trial level public defense, and because the 2023 National Public Defense Workload Study that CPD relied upon to formulate caseload standards for trial-level cases did not address appeals. The CPD concluded the standards specific to appeals should be addressed by those with expertise in that field.

Appellate public defenders, however, face the same challenges that led CPD to revise the Standards in the first place. Excessive caseloads prevent attorneys from meeting their constitutional and ethical obligations to their clients. For that reason, in March 2024, the Council on Public Defense convened a subcommittee of appellate defense practitioners to address standards for appeals.

Based on a review of information presently available on appellate defender workloads, this Appellate Subcommittee determined that additional study would be required to develop a final caseload standard. Although the 2023 National Public Defense Workload Study did not examine appellate public defense workloads, several other state appellate defender offices have performed similar workload studies specific to appellate practice. The Subcommittee reviewed these studies in hopes of using them in support of new standards in Washington. However, differences in appellate procedure among states limited the ability to rely on existing studies to inform Washington standards. Unlike with the CPD's Family Defense Subcommittee, no state that had performed a workload study of appellate

practice was a close enough analogue to Washington to use as a baseline for developing a revised standard. For that reason, the Subcommittee has proposed that a workload study be performed specific to Washington appellate practice. The Office of Public Defense (OPD) has expressed willingness to fully fund such a study. The Appellate Subcommittee is presently working with WSBA staff and OPD to solicit proposals from experienced research groups to perform that workload study. This study will result in final caseload standards for Washington appellate public defense attorneys.

This workload study, however, will take significant time to complete. The Subcommittee's preliminary estimate is that the study may require up to one year to complete, which does not include the time for any court rule amendments resulting from the study to be approved and implemented by the Washington Supreme Court. Appellate public defenders are under unsustainable strain from high caseloads now. Therefore, the CPD and the Subcommittee are proposing a temporary caseload reduction from the current 36 appeals per year to 25 appeals per year to provide short term relief while the workload study is underway. CPD and the Appellate Subcommittee request that the WSBA Board of Governors adopt this interim standard and approve proposed amendments to the Washington Supreme Court Standards of Indigent Defense (Court Standards) implementing the same reduction.

Current Appellate Caseload Standards

Both the WSBA and Court Standards currently state that the caseload of a full-time public defense attorney should not exceed "36 appeals to an appellate court hearing a case on the record and briefs per attorney per year."¹ These caseload maximums assume appeals have an average transcript length of 350 pages and state that caseloads should be adjusted accordingly if an attorney's cases exceed this average transcript lengths. OPD, which administers contracts for appellate public defense, has devised a system for tracking caseloads that accounts for transcript length.

Up until 2007, the caseload limit in Washington for appellate public defense attorneys was 25 cases per year. The pre-2007 caseload of 25 appeals was drawn from the 1973 National Advisory Commission on Criminal Justice recommendations. In 2007, the caseload maximum was increased to 36 appeals, with the addition of the parenthetical regarding case size and experience. The increase was based on "[t]echnology improvements" that "have had a substantial positive impact on appellate representation over the past 15 years," such as "widespread use of computers, electronic legal research systems, appellate brief banks, and electronic search capability for electronically formatted transcripts."²

It has become clear from the experiences of attorneys appointed to represent indigent clients in appellate cases that the 36-case limit is too high. In a survey of appellate practitioners conducted by the Appellate Subcommittee, fully 94% of respondents stated they had to triage or limit case activities because they did not have time for all activities they should perform in their cases. Eighty-seven percent of respondents said they had to request filing extensions for opening briefs in three-quarters or more of their cases, with 30% saying they need to request multiple extensions in all cases. Seventy-two percent said they frequently had to work on the weekends or that they worked every weekend. Eighty-two percent said they felt drained and exhausted at the end of their workdays and "lower caseloads" was the top response when asked what would make it easier for the survey-takers to provide constitutionally adequate defense to their clients.

Interim Caseload Standard

¹ WSBA Standards of Indigent Defense Services, Standard 3.K; CrR 3.1 Stds, Standard 3.4.

² September 20-21, 2007 WSBA Board of Governors Meeting Materials, pg. 96.

Given that current appellate caseload standards do not permit attorneys to meet their constitutional and ethical duties to their clients and the time required to complete a Washington appellate-specific workload study, the Subcommittee agreed that an interim caseload standard was needed while the workload study was underway. Therefore, on an interim basis, the Subcommittee proposed that the existing WSBA and Court Standards be amended from the current 36 caseload standard to 25 appeals per attorney per year, maintaining the current weighting system based on transcript length. The CPD voted to approve these proposed amendments on July 26, 2024.

This recommendation is based on three primary considerations. First, the interim standard should provide a meaningful measure of relief so that attorneys are better able to meet their constitutional obligations to clients while awaiting the results of the workload study. Second, the interim standard should not be burdensome to implement. Third, the interim standard should not complicate implementation of the final standard recommended by the workload study. For example, while the subcommittee considered other weighting systems based on case size and case tasks, adopting a new weighting system on an interim basis would create disruption upon adoption and risk further disruption in the near future should a workload study suggest yet another system is more appropriate.

The recommendation of 25 appeals is drawn from the WSBA appellate caseload standard prior to 2007. As noted above, the increase to 36 appeals was based on the prediction that technology would make appellate work easier and faster. While perhaps promising in 2007, technology has not sped up appellate representation and, in fact, has likely had the opposite effect by increasing appellate record length. Seventy percent of the attorneys who responded to the Subcommittee survey said the amount of time necessary to provide constitutionally adequate representation in appeals has actually increased over the course of their careers. These respondents noted that this increase was predominantly a result of lengthier records, increased use of video and audio evidence, and the need for more frequent communication with clients. Because the justification for the increase to 36 appeals has not borne out, it is appropriate to return to the prior standard while the workload study is underway.

In addition, the reduction from 36 to 25 appeals is similar in proportion to the first phase of reduction in trial-level caseloads already adopted by the WSBA Board of Governors. The revisions to the WSBA Standards approved by the Board of Governors in March 2024, reduced trial-level felony caseloads from the 150 cases to 110 case credits in the first phase of implementation, a reduction of approximately 27%. Applying this same reduction to the current appellate caseload standard results in a caseload of 26 appeals.³ Twenty-five appeals also represents an approximate midpoint between the current Washington standard and standards used by other jurisdictions.⁴

The Subcommittee wishes to make very clear, however, that this recommendation should in no way be seen as an endorsement of 25 appeals per year as a permanent standard. This is a conservative recommendation and is intended only as a temporary measure. A 25-caseload standard is an improvement on the current standard but is undoubtedly outdated and will require revision based on the outcome of the workload study. Despite its flaws, though, the Subcommittee believes this recommendation provides immediate and needed relief to appellate defenders while serving as a transition to the recommendations that may result from a workload study. It also does not require significant modification in the way caseloads are currently calculated and so would serve well as an interim standard. An important caveat to this recommendation is that if a workload study is not forthcoming, continued work by the Subcommittee will be required to determine an appropriate long-term caseload maximum.

³ Although the comparison of cases under the prior system to case credits under the current system is not precisely a one-to-one comparison, the subcommittee nonetheless found it a helpful measure to evaluate the recommended interim appellate standard.

⁴ Our review of other jurisdictions' case standards revealed caseload maximums ranging from 14.8 in Michigan to 22 in the National Legal Aid and Defender Association (NLADA) appellate standards.

Revisions to the standards for appellate caseloads are needed in both the long-term and short-term. For that reason, CPD and the Appellate Subcommittee respectfully request that the Board approve a 25-appeal interim caseload.

Information for Fiscal Analysis

The recommended amendments to the WSBA and Court Standards do not require any funds from WSBA.

Information for Equity Analysis

Two primary groups are directly impacted by adoption of the recommended interim standard: appellate practitioners and their clients. Criminal prosecution disproportionately impacts individuals and communities of color, Native American people, and economically disadvantaged people.⁵ The intent of the interim caseload standard is to allow attorneys representing people in appeals to be able to better represent their clients. Permitting appellate attorneys to devote the time necessary to researching the legal and factual issues presented in their clients' cases will likely result in better outcomes for those clients.

However, insufficient investment in public defense has created the circumstances that have led to unsustainable caseloads for Washington attorneys. The subcommittee recognizes that if these circumstances persist, the interim standard may exacerbate problems already present in the public defense system because more attorneys will be necessary to handle the same volume of cases.

As described above, the subcommittee sought input from appellate practitioners through surveys and outreach to specific appellate practitioners and offices to learn about their experiences and workload management. The subcommittee received a substantial response to this survey and the results guided the subcommittee's decision making.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

To be provided separately 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 to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. 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.*

Similar to the WSBA Standards for Indigent Defense Services proposed and approved by the Board of

⁵ See Race and the Criminal Justice System, Task Force 2.0, "Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court," *Fred T. Korematsu Center for Law and Equality* 116 (2021) (available at https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1116&context=korematsu_center).

Governors in March 2024, we do not see any immediate equity concerns with the proposed action to temporarily change the appellate caseload standards. The CPD has demonstrated that they have been able to gather input from a diversity of perspectives, including front line criminal appellate attorneys and staff who see firsthand the impact of the criminal justice system on people from marginalized communities. The well-being and retention of public defenders and other public defense staff who are dealing with excessive workloads and systemic barriers to providing representation is essential to a criminal legal system that does not continue to oppress communities who have been historically marginalized.

Attachments

Proposed amendments to WSBA Standards for Indigent Defense Services, markup and clean copies
Suggested amendments to Washington Supreme Court Standards for Indigent Defense, markup and clean copies

Suggested Amendments to WSBA Standards for Indigent Defense Services, Standard 3.

1 Markup:

2 **STANDARD THREE: Caseload Limits and Types of Cases**

3 ***Standard:***

4 3.A. – 3.I. [Unchanged.]

5

6 3.K. Other Case Types.¹⁴

7 Appeals: ~~3625~~ appeals to an appellate court hearing a case on the record and briefs per attorney per year.

8 (The ~~3625~~ standard assumes experienced appellate attorneys handling cases with transcripts of an
9 average length of 350 pages. If attorneys do not have significant appellate experience and/or the average
10 transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

11 Family Defense: 80 open clients in dependency/termination of parental rights for parent and child(ren)
12 representation per attorney per year at any one time.

13 Civil Commitment: 250 Civil Commitment cases per attorney per year.

14

15 3.L. – 3.N. [Unchanged.]

16

17 3.O. Implementation of Standards.

18 Standard 3 shall be implemented in phases and shall go into effect on July 2, 2025, with the exception of
19 the paragraph of Standard 3.K applicable to appellate caseloads, which shall go into effect upon adoption
20 by the WSBA Board of Governors. The 2024 revisions to these Indigent Defense Standards shall be
21 implemented on the following schedule:

22

23

24

25

26 ¹⁴ The standards under this subsection are under review. To provide guidance in the interim, the prior standards are included only until revisions are approved.

Suggested Amendments to WSBA Standards for Indigent Defense Services, Standard 3.

1 Until July 2, 2025, the caseload standards as adopted in pre-existing *WSBA Standards of Indigent Defense*
2 *Services* and *Court Rule Standards of Indigent Defense* shall apply: The caseload of a full-time public
3 defense attorney or assigned counsel shall not exceed the following:

4 150 Felonies per attorney per year;

5 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
6 numerical case weighting system as described in this Standard, 400 cases per year;

7 250 Juvenile Offender cases per attorney per year.

8 Phase 1:

9 Beginning July 2, 2025, within the twelve months following, each full-time felony attorney shall be
10 assigned cases constituting no more than 110 felony case credits and each full-time misdemeanor
11 attorney shall be assigned cases constituting no more than 280 misdemeanor case credits.

12 Phase 2:

13 Beginning July 2, 2026, within the twelve months following, each full-time felony attorney shall be
14 assigned cases constituting no more than 90 felony case credits and each full-time misdemeanor attorney
15 shall be assigned cases constituting no more than 225 misdemeanor case credits.

16 Phase 3:

17 Beginning July 2, 2027, and for any twelve-month period following, each full-time felony attorney shall be
18 assigned cases constituting no more than 47 felony case credits and each full-time misdemeanor attorney
19 shall be assigned cases constituting no more than 120 misdemeanor case credits.

Suggested Amendments to WSBA Standards for Indigent Defense Services, Standard 3.

1 Clean copy:

2 **STANDARD THREE: Caseload Limits and Types of Cases**

3 ***Standard:***

4 3.A. – 3.I. [Unchanged.]

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6 3.K. Other Case Types.¹⁵

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8 (The 25 standard assumes experienced appellate attorneys handling cases with transcripts of an average

9 length of 350 pages. If attorneys do not have significant appellate experience and/or the average

10 transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

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5 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
6 numerical case weighting system as described in this Standard, 400 cases per year;

7 250 Juvenile Offender cases per attorney per year.

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18 assigned cases constituting no more than 47 felony case credits and each full-time misdemeanor attorney
19 shall be assigned cases constituting no more than 120 misdemeanor case credits.

**SUGGESTED AMENDMENTS TO THE STANDARDS FOR INDIGENT DEFENSE
(CrR 3.1 Stds, JuCR 9.2 Stds, CrRLJ 3.1 Stds)**

1 **STANDARDS FOR INDIGENT DEFENSE**

2 **CrR 3.1 Stds, JuCR 9.2 Stds, CrRLJ 3.1 Stds**

3

4 **Standard 3. Caseload Limits and Types of Cases**

5 *Standard 3.1 – 3.3* unchanged.

6 *Standard 3.4. Caseload limits.* The caseload of a full-time public defense attorney or assigned
7 counsel should not exceed the following:

8 150 felonies per attorney per year or

9 300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
10 numerical case weighting system as described in this standard, 400 cases per year or

11 250 juvenile offender cases per attorney per year or

12 80 open juvenile dependency cases per attorney or

13 250 civil commitment cases per attorney per year or

14 1 active death penalty trial court case at a time plus a limited number of non-death-penalty
15 cases compatible with the time demand of the death penalty case and consistent with the
16 professional requirements of standard 3.2 or

17 ~~3625~~ appeals to an appellate court hearing a case on the record and briefs per attorney per
18 year. (The ~~3625~~ standard assumes experienced appellate attorneys handling cases with
19 transcripts of an average length of 350 pages. If attorneys do not have significant appellate
20 experience and/or the average transcript length is greater than 350 pages, the caseload
21 should be accordingly reduced.)

22 remainder unchanged

23 *Standard 3.5 – 3.6* unchanged.

24

25

**SUGGESTED AMENDMENTS TO THE STANDARDS FOR INDIGENT DEFENSE
(CrR 3.1 Stds, JuCR 9.2 Stds, CrRLJ 3.1 Stds)**

1 **STANDARDS FOR INDIGENT DEFENSE**

2 **CrR 3.1 Stds, JuCR 9.2 Stds, CrRLJ 3.1 Stds**

3

4 **Standard 3. Caseload Limits and Types of Cases**

5 *Standard 3.1 – 3.3* unchanged.

6 *Standard 3.4. Caseload limits.* The caseload of a full-time public defense attorney or assigned
7 counsel should not exceed the following:

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9 300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a
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11 250 juvenile offender cases per attorney per year or

12 80 open juvenile dependency cases per attorney or

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14 1 active death penalty trial court case at a time plus a limited number of non-death-penalty
15 cases compatible with the time demand of the death penalty case and consistent with the
16 professional requirements of standard 3.2 or

17 25 appeals to an appellate court hearing a case on the record and briefs per attorney per
18 year. (The 25 standard assumes experienced appellate attorneys handling cases with
19 transcripts of an average length of 350 pages. If attorneys do not have significant appellate
20 experience and/or the average transcript length is greater than 350 pages, the caseload
21 should be accordingly reduced.)

22 remainder unchanged

23 *Standard 3.5 – 3.6* unchanged.

24

25

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 19, 2024
RE: FY25 WSBA Organizational Priorities

ACTION: Approve FY25 WSBA Organizational Priorities

Following-up on the presentation and discussion at the July 2024 planning retreat, the proposed organizational priorities for FY25 are:

1. **Study member well-being and expand and improve resources for and assistance to legal professionals and the legal community.**
2. **Assess technology-related opportunities and threats and determine WSBA's role vis-a-vis regulation, consumer protection, and support to legal professionals.**
3. **Improve the experience of belonging among legal professionals and in the legal community.**
4. **Support rural practice and access to justice in small towns and rural parts of the state.**

Background

After many years of operating without a strategic plan or strategic goals, the practice of setting organizational priorities or goals was reestablished in FY22. In recognition that the challenges that WSBA, the legal profession, and the legal system face cannot be meaningfully addressed in one year, in May 2024, the Board of Governors adopted a strategic planning process. Consistent with that process, in FY25 we will begin development of a three-year strategic plan for FY26-28.

Proposed FY25 Priorities

The proposed priorities above would carry forward our FY24 priorities through FY25. According to a survey of members conducted in June 2024, more than 74% of respondents believe that these priorities mostly or completely address the most important issues facing the legal profession and the practice of law in Washington. Our work on these priorities is not yet complete and deliverables are planned into FY25 (see below). Given the alignment with the membership and the additional work to be done, it makes sense to maintain our current priorities for another year while we develop a three-year strategic plan.

There was discussion at the retreat about adding a fifth priority touching on access to justice, the public, the rule of law, and/or education. Because there was not a clear consensus, and because we will soon be shifting energy into developing a new strategic plan, I recommend we not seek to add a fifth priority at this time and instead focus on the projects that are already underway.

1. **Study member well-being and expand and improve resources for and assistance to legal professionals and the legal community.**

| | | |
|-------------------------------------|---|---|
| <i>Executive Sponsor:</i> | Kevin Plachy, Director of Advancement | |
| <i>What is the problem?</i> | Legal professionals suffer high rates of hazardous drinking, burn out and stress, which negatively impacts our members, as well as their families, colleagues, clients, and the legal system. | |
| <i>What does success look like?</i> | WSBA can articulate the drivers of well-being among legal professionals broadly, as well as unique drivers among groups based on social identity, practice setting or other relevant criteria. WSBA develops and promotes resources and activities that are specifically designed to address these drivers, which has a positive impact on legal professionals and the legal community. | |
| <i>Key deliverables:</i> | Q3 FY24 | Convene well-being task force with 3-year timeline. |
| | Year 1 | Study member well-being using existing data and information and gathering additional data as needed. Establish workgroups to study various sectors of the legal profession and to develop a member survey with areas of inquiries to include: the relative well-being of members; identification of challenges in legal practice; the incidence of mental health problems; as well as suggestions for the Taskforce. Update: The Taskforce was established this year with a two-year timeline. It began meeting in March and established three workgroups including a Private Practice Workgroup, Law Student/New Member Workgroup, and Survey Workgroup. These workgroups will run through December 2024. The Survey Workgroup is in the process of developing the survey with plans to deploy it in late January 2025 utilizing NBRI. The task force is providing quarterly updates to the Member Engagement Council, the first of which occurred in July 2024. |
| | Year 2 | In January 2025, two new workgroups will be formed which are Suicide/Addiction and Judicial/Rules Workgroups. These workgroups are estimated to run through May 2025 when up to three additional workgroups will be formed with estimated completion dates in November 2025. The taskforce is scheduled to issue an interim update and report to the Board of Governors at its May 2025 meeting. |
| | Year 3 | In its final year the task force workgroups will wind up their work and provide final reports to the full task force. The task force will produce a final, comprehensive report regarding its observations and recommendations for the legal profession. |
| | TBD | The task force may play a role in implementation of recommendations. |

2. Assess technology-related opportunities and threats and determine WSBA’s role vis-a-vis regulation, consumer protection, and support to legal professionals.

| | | | | |
|-------------------------------------|---|--|---|---|
| <i>Executive Sponsors:</i> | Kevin Plachy, Director of Advancement (Member Focus) Laurie Powers, General Counsel (Regulatory and Consumer Protection Focus) | | | |
| <i>What is the problem?</i> | <p><i>Member Focus:</i> Technology, such as AI, is already changing the practice of law and has the potential to change it even more dramatically in the years to come. Many practitioners do not know how to adapt to deal with these new technologies, which present opportunities and threats.</p> <p><i>Regulatory and Consumer Focus:</i> The use of technology to practice law raises ethical questions and questions about whether some applications could cause harm to the public and/or constitute the unauthorized practice of law. We currently lack the tools to assess the degree to which there may be public harm and, to the extent that it exists, lack the mechanisms to effectively address it.</p> | | | |
| <i>What does success look like?</i> | <p><i>Member Focus:</i> WSBA provides members with resources and guidance designed to help them leverage new technologies ethically, responsibly, and to the benefit of their practice and the public.</p> <p><i>Regulatory and Consumer Focus:</i> WSBA is effectively regulating the practice of law, including through new technologies, in a manner that protects the public and positively impacts the access to justice gap.</p> | | | |
| | <i>Member Focused Efforts</i> | | <i>Regulatory and Consumer Protection Focus</i> | |
| <i>Key deliverables:</i> | Q2 FY24 | Convene a Legal Technology Task Force with a 2-year timeline. Update: Task Force established with a 15-month timeline. | Q2 2024 | Collaborate with the Practice of Law Board (POLB) in proposing a pilot of data-driven regulatory reform (entity regulation) to the Supreme Court. Update: Key staff met during Q2 and Q3 to develop draft court order that would authorize a pilot project. |
| | Q2-Q4 FY24 | Task force develops a plan to assess the legal technology environment to identify technology-related threats and opportunities affecting the various sectors of the legal profession (e.g., private practice, government, courts). | Q1-Q4 FY24 | Educate the legal community and the public about the need for regulatory reform. Prepare for implementation of pilot program. Update: Communication plan has been developed and initiated, including soliciting feedback about the pilot project. |

| | | | | |
|--|------------------|--|-------------------|---|
| | | Update: The task force has created four workgroups (Emerging Technologies, Impacts to the Practice of Law, Education and Ethics, and Impacts to the Courts and Access to Justice). The task force is developing a survey in conjunction with NBRI with a scheduled deployment date in late September 2024. The task force is delivering quarterly updates to the Member Engagement Council, beginning July 2024. The task force is scheduled to deliver an interim update and report to the Board of Governors in January 2025. | Q1 FY25 – Q4 FY26 | Subject to Court approval, collaborate with the POLB to conduct a 72-month pilot program. |
| | Q4 FY24- Q4 FY25 | Task force curates and reviews existing resources, data, and information and gather new data as needed. | Q1–Q2 FY26 | Evaluate the pilot and develop recommendation for Court as to next steps. |
| | Q4 FY25- Q2 FY26 | Task force develops recommendations to support legal professionals, including proposed rule changes, best practice information and other tools, resources, and educational materials. | Q3 FY26 – Q2 FY27 | Implement Court’s decision, including either drafting rules and rule changes and adopting systems and developing capacity to continue the program, or winding down the pilot. |
| | TBD | WSBA implements adopted recommendations and promotes technology related initiatives. | | |

3. Improve the experience of belonging among legal professionals and in the legal community.

| | |
|---------------------------|---|
| <i>Executive Sponsor:</i> | Diana Singleton, Chief Equity & Justice Officer |
|---------------------------|---|

| | | |
|-------------------------------------|---|---|
| <i>What is the problem?</i> | National data, WSBA’s 2012 Membership Demographics, and countless stories and experiences tell us that the legal profession does not accurately reflect the communities we serve and that many do not feel a sense of belonging in the profession, which can lead to burn out and stress, and often a decision to leave the profession. Those most impacted tend to be those that identify as BIPOC, LGBTQ2IA+, female, and disabled among other identities. A diverse profession where everyone is welcome and able thrive, regardless of identity will better serve the public, its members, and justice. | |
| <i>What does success look like?</i> | WSBA understands the detractors and drivers of belonging among legal professionals and the legal community broadly, as well as among groups based on social identity and other relevant criteria. WSBA develops and promotes resources and activities and implements institutional and systemic changes designed to eliminate identified detractors and promotes identified drivers, which has a positive impact on the legal community and the public, and creates a more equitable legal profession and system. | |
| <i>Key deliverables:</i> | Q2 FY24 | Complete the decennial Membership Study. Update: The study is complete, and the Board will receive a preliminary report in September 2024. |
| | Q3 FY24 | Develop and consider recommendations arising out of the Membership Study. Update: The results of the study have been reviewed by the DEI Council and are informing development of the new DEI Plan. |
| | Q4 FY24 | Adopt a new WSBA Diversity, Equity, and Inclusion Plan which will replace the 2013 Diversity and Inclusion Plan. Update: The DEI Council engaged the Institute for Inclusion in the Legal Profession to perform a DEI assessment that would inform the Council about the goals, opinions, perspectives, experiences and suggestions of the legal community. The results of which, along with the results of the demographic study, are informing the development of a new DEI Plan. An update on this project will be presented to the Board in September 2024. |
| | FY25 | Implement and promote adopted recommendations. |

4. **Support rural practice and access to justice in small towns and rural parts of the state.**

| | |
|-----------------------------|--|
| <i>Executive Sponsor:</i> | Kevin Plachy, Director of Advancement |
| <i>What is the problem?</i> | Practitioners in rural communities are few and far between. Additionally, many of these practitioners are nearing retirement without a clear plan of succession for their clients, leaving a void of access to legal representation and counsel. While the access to justice gaps exist among all practice areas in rural communities there are pronounced gaps in the areas |

| | | |
|-------------------------------------|--|--|
| | of criminal defense and family law, where the absence of representation can present significant harm to those that need it. | |
| <i>What does success look like?</i> | Increased awareness and interest in rural practice opportunities by future and current WSBA members that translates to increased legal practitioners in rural communities throughout Washington State. | |
| <i>Key deliverables:</i> | Q1-Q2 FY24 | Create and propose a plan for a law student summer internship stipend program. Update: In April, WSBA’s STAR Committee collaborated with Gonzaga University School of Law on a rural job fair. The Committee also facilitated the provision of 3 paid summer internships for law students working in rural communities. The committee worked with WSBA CLE to deliver a rural practice-focused CLE for the Legal Lunchbox offering in July 2024 and 2,191 people registered for the seminar. The committee is also developing a plan to launch two rural day of service events in FY25 targeted at partnering with a legal aid provider to deliver legal services to low-income residents residing in rural communities. |
| | Q3 2024 | Host a statewide Summit at Gonzaga in the Spring of 2024, bringing stakeholders together to create goals on how to increase the number of lawyers in “legal deserts.” Update: The Inaugural Rural Practice Summit was held at Gonzaga Law School on June 7 and 100 people were in attendance for the day long event. |
| | July 2023 | Deliver Rural Practice CLE to WSBA members via Legal Lunchbox. |
| | Throughout FY24 | Explore establishment of Rural Practice Section or List Serve. Update: The STAR Committee has been developing a proposal for rural practice day of service, as well as continuing to explore student loan forgiveness for lawyers working in rural areas. |
| | By Q3 FY25 | Develop and propose a post-graduate rural practice fellowship and explore loan forgiveness for practitioners in rural areas. Work with state organizations to create policy regarding student loan forgiveness for lawyers who work in “legal deserts.” |



To: WSBA Board of Governors
From: Tracy S. Flood, President
Re: 2024-25 Board of Trustees Appointments
Date: August 9, 2024

The Washington State Bar Foundation Board is pleased to present the proposed 2024-25 Board of Trustees roster.

The Washington State Bar Foundation is the fundraising arm of the WSBA. The current members of the WSBA Board of Governors constitute the membership of the Foundation. Per the Foundation's Bylaws, the WSBA Executive Director serves as the Foundation's Secretary ex officio, the WSBA Immediate Past President serves as a trustee ex officio, and the WSBA President each year appoints a first year Governor to serve a three-year term on the Foundation Board. The remaining seats are recommended by the Foundation Board and appointed by the Board of Governors, convened as the members of the Foundation.

The Foundation Board has approved a slate that includes the trustees listed on the following page.

Attachments:

- Proposed roster



2024-2025 Board of Trustees, Recommendation

| POSITION | RECOMMENDATION | TERM, ending |
|------------------------------------|---|--|
| WSBA 1 st Year Governor | <i>Appointed by 2024-2025</i> <i>BOG President</i> TBD | September 2027 |
| WSBA 2 nd Year Governor | <i>Appointed by 2023-2024</i> <i>BOG President</i> Kristina Larry | September 2026 |
| WSBA 3 rd Year Governor | <i>Appointed by 2022-2023</i> <i>BOG President</i> Kari Petrasek | September 2025 |
| WSBA Past President or Governor | Tracy S. Flood | 2 nd Regular Term, September 2026 |
| WSBA Member | Brian Anderson, President | 1 st Term, September 2026 |
| WSBA Member | Peter Finch | 2 nd Regular Term, September 2026 |
| WSBA Member | Maya Manus | 1 st Term, September 2026 |
| WSBA Member | Susan Machler, Treasurer | 1 st Regular Term, September 2025 |
| Minority/Specialty Bar Rep. | Deb Wechselblatt | 2 nd Regular Term, September 2027 |
| Law Student | Carolyn Powers | Graduation |
| Public Member | Lucretia Robertson | 1 st Term, September 2026 |
| Public Member | Isabel Vicuña | 1 st Term, September 2026 |
| At Large | Gloria Ochoa-Bruck | 2 nd Term, September 2025 |
| At Large | Rajeev Majumdar, Vice President | 2 nd Term, September 2027 |
| At Large | Kristine Kuenzli | 2 nd Term, September 2026 |
| WSBA Immediate Past President | Daniel D. Clark | September 2025 |
| WSBA Executive Director | Terra Nevitt, Secretary | Executive Director serves Ex Officio |

WASHINGTON STATE
B A R A S S O C I A T I O N

Financial Reports

(Unaudited)

Year to Date June 30, 2024

Prepared by
Maggie Yu, Controller

Submitted by
Tiffany Lynch, Director of Finance
July 26, 2024

Washington State Bar Association Financial Summary
Compared to Fiscal Year 2024 Budget
For the Period from June 1, 2024 to June 30, 2024

| Category | Actual Revenues | Reforecasted Revenues | Actual Indirect Expenses | Reforecasted Indirect Expenses | Actual Direct Expenses | Reforecasted Direct Expenses | Actual Total Expenses | Reforecasted Total Expenses | Actual Net Result | Reforecasted Net Result |
|--|-------------------|-----------------------|--------------------------|--------------------------------|------------------------|------------------------------|-----------------------|-----------------------------|-------------------|-------------------------|
| Access to Justice | - | - | 173,218 | 246,721 | 34,622 | 94,100 | 207,840 | 340,821 | (207,840) | (340,821) |
| Admissions/Bar Exam | 1,212,935 | 1,300,740 | 672,060 | 892,600 | 192,233 | 449,245 | 864,293 | 1,341,846 | 348,642 | (41,106) |
| Advancement FTE | - | - | 276,055 | 369,375 | 3,931 | 8,424 | 279,986 | 377,799 | (279,986) | (377,799) |
| Bar News | 430,589 | 610,100 | 259,783 | 348,179 | 258,385 | 364,960 | 518,168 | 713,139 | (87,579) | (103,039) |
| Board of Governors | - | - | 125,199 | 186,679 | 179,770 | 385,800 | 304,969 | 572,479 | (304,969) | (572,479) |
| Character & Fitness Board | - | - | 109,322 | 146,219 | 2,750 | 33,000 | 112,073 | 179,219 | (112,073) | (179,219) |
| Communications Strategies | 4,314 | 500 | 465,689 | 688,499 | 67,245 | 134,015 | 532,934 | 822,514 | (528,620) | (822,014) |
| Communications Strategies FTE | - | - | 186,023 | 247,980 | - | - | 186,023 | 247,980 | (186,023) | (247,980) |
| Discipline | 51,313 | 119,000 | 4,406,455 | 6,045,036 | 135,592 | 184,630 | 4,542,047 | 6,229,667 | (4,490,734) | (6,110,667) |
| Diversity | 135,000 | 135,000 | 183,821 | 362,337 | 39,091 | 117,700 | 222,911 | 480,037 | (87,911) | (345,037) |
| Finance | 795,054 | 650,000 | 839,102 | 1,151,069 | 4,515 | 2,640 | 843,617 | 1,153,709 | (48,563) | (503,709) |
| Foundation | - | - | 125,245 | 169,428 | 5,750 | 10,650 | 130,995 | 180,078 | (130,995) | (180,078) |
| Human Resources | - | - | 552,512 | 625,154 | - | - | 552,512 | 625,154 | (552,512) | (625,154) |
| Law Clerk Program | 195,468 | 207,200 | 123,947 | 168,171 | 5,952 | 19,735 | 129,899 | 187,907 | 65,569 | 19,293 |
| Legislative | - | - | 188,500 | 255,640 | 16,868 | 25,735 | 205,368 | 281,375 | (205,368) | (281,375) |
| Legal Lunchbox | 33,402 | 29,000 | 37,681 | 48,255 | 6,067 | 7,675 | 43,748 | 55,930 | (10,346) | (26,930) |
| Licensing and Membership Records | 418,727 | 450,900 | 489,114 | 652,394 | 32,615 | 44,777 | 521,730 | 697,171 | (103,002) | (246,271) |
| Licensing Fees | 12,897,381 | 17,320,499 | - | - | - | - | 0 | - | 12,897,381 | 17,320,499 |
| Limited License Legal Technician | 13,316 | - | 20,712 | 60,054 | 81,130 | 14,240 | 61,172 | 95,370 | (47,856) | (74,658) |
| Limited Practice Officers | 147,283 | 202,000 | 82,644 | 112,079 | 14,802 | 24,625 | 97,446 | 136,704 | 49,836 | 65,296 |
| Mandatory CLE | 1,183,772 | 1,113,800 | 589,541 | 783,630 | 91,856 | 139,999 | 681,397 | 923,629 | 502,376 | 190,171 |
| Member Wellness Program | 10,500 | 7,500 | 178,078 | 236,881 | 1,786 | 3,612 | 179,864 | 240,493 | (169,364) | (232,993) |
| Member Services & Engagement | 14,913 | 10,800 | 210,253 | 297,790 | 29,801 | 94,395 | 240,054 | 392,185 | (225,141) | (381,385) |
| Mini CLE | - | - | 85,609 | 116,330 | - | - | 85,609 | 116,330 | (85,609) | (116,330) |
| New Member Education | 125,972 | 67,000 | 76,517 | 106,078 | 1,254 | 1,750 | 77,771 | 107,828 | 48,201 | (40,828) |
| Office of General Counsel | 427 | - | 775,348 | 1,083,147 | 2,632 | 25,824 | 777,980 | 1,108,971 | (777,553) | (1,108,971) |
| Office of the Executive Director | - | - | 529,317 | 702,850 | 110,005 | 114,622 | 639,322 | 817,472 | (639,322) | (817,472) |
| OGC-Disciplinary Board | - | - | 158,841 | 205,120 | 105,117 | 98,000 | 263,958 | 303,120 | (263,958) | (303,120) |
| Practice of Law Board | - | - | 63,323 | 84,860 | 1,157 | 12,000 | 96,860 | 96,860 | (64,480) | (96,860) |
| Practice Management Assistance | 51,234 | 62,000 | 101,119 | 136,963 | 84,300 | 75,760 | 185,418 | 212,723 | (134,184) | (150,723) |
| Professional Responsibility Program | - | - | 174,356 | 234,403 | 2,346 | 3,000 | 176,702 | 237,403 | (176,702) | (237,403) |
| Public Service Programs | 130,000 | 130,000 | 149,146 | 219,330 | 171,425 | 297,409 | 320,572 | 516,739 | (190,572) | (386,739) |
| Publication and Design Services | - | - | 90,640 | 122,320 | 4,840 | 4,300 | 95,480 | 126,620 | (95,480) | (126,620) |
| Regulatory Services FTE | - | - | 397,392 | 530,250 | 6,521 | 8,500 | 403,913 | 547,750 | (403,913) | (547,750) |
| Sections Administration | 364,230 | 297,786 | 220,615 | 300,288 | 139 | 3,050 | 220,753 | 303,338 | 143,476 | (5,552) |
| Service Center | - | - | 538,652 | 724,952 | 1,782 | 4,560 | 540,434 | 729,512 | (540,434) | (729,512) |
| Volunteer Engagement | - | - | 73,874 | 99,534 | 10,923 | 17,800 | 84,797 | 117,333.53 | (84,797) | (117,334) |
| Technology | - | - | 1,605,168 | 2,087,445 | - | - | 1,605,168 | 2,087,445 | (1,605,168) | (2,087,445) |
| Subtotal General Fund | 18,215,830 | 22,734,537 | 15,374,213 | 20,878,112 | 1,627,192 | 2,826,533 | 17,001,406 | 23,704,645 | 1,214,424 | (970,108) |
| Expenses using reserve funds | - | - | 117,741 | - | - | - | 117,741 | (311,547) | (117,741) | 311,547 |
| Total General Fund - Net Result from Operations | | | 15,256,473 | | | | 15,256,473 | 23,393,098 | 1,332,165 | (658,561) |
| Percentage of Budget | 80% | | 74% | | 58% | | 72% | | | |
| CLE-Seminars and Products | 1,312,756 | 1,605,300 | 768,435 | 1,050,884 | 128,617 | 295,117 | 897,052 | 1,346,001 | 415,704 | 259,299 |
| CLE - Deskbooks | 65,261 | 136,500 | 190,406 | 256,391 | 7,726 | 26,375 | 198,133 | 282,766 | (132,871) | (146,266) |
| Total CLE | 1,378,017 | 1,741,800 | 958,841 | 1,307,275 | 136,343 | 321,492 | 1,095,184 | 1,628,767 | 282,833 | 113,033 |
| Percentage of Budget | 79% | | 73% | | 42% | | 67% | | | |
| Expenses using reserve funds | - | - | 8,399 | - | - | - | 8,399 | (22,225) | (8,399) | 22,225 |
| Total CLE Fund - Net Result from Operations | | | 950,442 | | | | 950,442 | 1,606,542 | 291,232 | 135,258 |
| Total All Sections | 622,339 | 688,964 | - | - | 594,220 | 1,017,566 | 594,220 | 1,017,566 | 28,119 | (328,603) |
| Client Protection Fund-Restricted | 767,133 | 715,930 | 139,052 | 188,214 | 17,559 | 505,200 | 156,611 | 693,414 | 610,522 | 22,516 |
| Expenses using reserve funds | - | - | 1,083 | - | - | - | 1,083 | (2,865) | (1,083) | 2,865 |
| Total CPF Fund - Net Result from Operations | | | 137,969 | | | | 137,969 | 690,549 | 611,605 | 25,381 |
| Totals | 20,983,319 | 25,881,231 | 16,472,107 | 22,373,601 | 2,375,314 | 4,670,791 | 18,847,421 | 27,044,392 | 2,135,898 | (1,163,162) |
| Totals Net of Use of Facilities Reserve Funds | | | 127,223 | | | | 127,223 | 26,707,755 | (127,223) | (826,525) |
| Percentage of Budget | 81% | | 74% | | 51% | | 70% | | | |

| Summary of Fund Balances: | Fund Balances Sept. 30, 2023 | 2024 Reforecasted Fund Balances | Fund Balances Year to date |
|---|------------------------------|---------------------------------|----------------------------|
| Restricted Funds: | | | |
| Client Protection Fund | 4,513,398 | 4,535,914 | 5,125,003 |
| Board-Designated Funds (Non-General Fund): | | | |
| CLE Fund Balance | 1,177,163 | 1,290,196 | 1,468,395 |
| Section Funds | 1,970,404 | 1,641,801 | 1,998,523 |
| 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 | 2,572,777 |
| Unrestricted Funds (General Fund): | | | |
| Unrestricted General Fund | 5,149,490 | 4,490,929 | 6,481,655 |
| Total General Fund Balance | 9,849,490 | 9,502,476 | 11,054,432 |
| Net Change in Total General Fund Balance | | (347,014) | 1,214,424 |
| Total Fund Balance | 17,510,455 | 16,658,840 | 19,646,353 |
| Net Change In Fund Balance | | (851,615) | 2,135,898 |

**Washington State Bar Association
Analysis of Cash Investments
As of June 30, 2024**

Checking & Savings Accounts

General Fund

Checking

| <u>Bank</u> | <u>Account</u> | <u>Amount</u> |
|--------------------|-----------------------|----------------------|
| Wells Fargo | General | <u>1,070,408</u> |

Total

| <u>Investments</u> | <u>Rate (yield)</u> | <u>Amount</u> |
|-----------------------------|----------------------------|----------------------|
| Wells Fargo Money Market | 5.32% | 575,598 |
| UBS Financial Money Market | 5.28% | 899,010 |
| Morgan Stanley Money Market | 5.33% | 1,947,157 |
| Merrill Lynch Money Market | 5.43% | 1,679,036 |
| CDs/Treasuries | see list | 16,422,182 |

General Fund Total 22,593,391

Client Protection Fund

Checking

| <u>Bank</u> | <u>Amount</u> |
|--------------------|----------------------|
| Wells Fargo | <u>303,609</u> |

| <u>Investments</u> | <u>Rate (yield)</u> | <u>Amount</u> |
|-----------------------------|----------------------------|----------------------|
| Wells Fargo Money Market | 5.32% | 2,331,048 |
| Morgan Stanley Money Market | 5.43% | 116,370 |
| CDs/Treasuries | see list | 2,737,585 |

Client Protection Fund Total 5,488,612

Grand Total Cash & Investments 28,082,003

Washington State Bar Association
Analysis of Cash Investments
As of June 30, 2024

General Fund

| <u>Bank</u> | <u>Yield</u> | <u>Term</u> <u>Months</u> | <u>Trade</u> <u>Date</u> | <u>Settle</u> <u>Date</u> | <u>Maturity</u> <u>Date</u> | <u>Amount</u> |
|-----------------------------|---------------------|--|---|--|--|----------------------|
| <i>From WF</i> | | | | | | |
| 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 |
| US Treasury Bill | 5.25% | 4 | 4/16/2024 | 4/17/2024 | 8/13/2024 | 245,827 |
| 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 CD | 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 Treasury Bill | 5.20% | 6 | 4/4/2024 | 4/5/2024 | 10/3/2024 | 243,731 |
| 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 |
| US Treasury Bill | 5.15% | 7 | 4/26/2024 | 4/29/2024 | 11/29/2024 | 242,666 |
| Washington Financial BK CD | 5.15% | 8 | 3/26/2024 | 4/12/2024 | 12/12/2024 | 250,000 |
| Associated BK Green CD | 5.15% | 9 | 3/12/2024 | 3/15/2024 | 12/16/2024 | 250,000 |
| Simmons Bank Pine Bluff CD | 5.20% | 9 | 3/12/2024 | 3/18/2024 | 12/18/2024 | 250,000 |
| Regions Bank CD | 4.85% | 12 | 12/15/2023 | 12/22/2023 | 12/20/2024 | 250,000 |
| Eagle Bank CD | 5.20% | 9 | 3/12/2024 | 3/22/2024 | 12/20/2024 | 250,000 |
| Citizens BK | 5.25% | 9 | 3/26/2024 | 3/27/2024 | 12/27/2024 | 250,000 |
| Crossfirst BK | 5.20% | 9 | 3/26/2024 | 4/5/2024 | 1/6/2025 | 250,000 |
| WebBank CD | 4.80% | 12 | 1/4/2024 | 1/8/2024 | 1/7/2025 | 250,000 |
| Valley NatL BK | 5.15% | 9 | 4/4/2024 | 4/9/2024 | 1/9/2025 | 250,000 |
| Zions Bancorp CD | 5.10% | 9 | 4/4/2024 | 4/10/2024 | 1/10/2025 | 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 |
| Bank of China CD | 5.10% | 9 | 4/9/2024 | 4/17/2024 | 1/17/2025 | 250,000 |
| Royal Business Bank CD | 5.10% | 9 | 4/9/2024 | 4/17/2024 | 1/17/2025 | 250,000 |
| Bank of New York Mellon CD | 5.10% | 9 | 4/16/2024 | 4/18/2024 | 1/21/2025 | 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 |
| Bank of Baroda CD | 5.15% | 9 | 4/16/2024 | 4/29/2024 | 1/29/2025 | 250,000 |
| Preferred Bank LA | 5.10% | 9 | 4/26/2024 | 5/3/2024 | 2/3/2025 | 250,000 |
| Israel discount BK | 5.25% | 9 | 5/2/2024 | 5/8/2024 | 2/10/2025 | 250,000 |
| Synovus BK | 5.20% | 9 | 5/2/2024 | 5/10/2024 | 2/10/2025 | 250,000 |
| Northeast Bank CD | 4.90% | 13 | 2/12/2024 | 2/14/2024 | 2/23/2025 | 250,000 |
| Beal Bank USA CD | 5.00% | 12 | 3/12/2024 | 3/20/2024 | 3/19/2025 | 250,000 |
| Beal Bank Plano TX CD | 5.00% | 12 | 3/26/2024 | 4/3/2024 | 4/2/2025 | 250,000 |
| Old National BK CD | 5.00% | 12 | 3/26/2024 | 4/4/2024 | 4/4/2025 | 250,000 |
| Exchange Bank CD | 5.00% | 12 | 4/16/2024 | 4/24/2024 | 4/23/2025 | 250,000 |
| Northside Community Bank CD | 5.00% | 12 | 4/16/2024 | 4/24/2024 | 4/24/2025 | 250,000 |

Washington State Bar Association

Analysis of Cash Investments

As of June 30, 2024

| | | | | | | |
|-------------------------|-------|----|-----------|-----------|-----------|---------|
| CF Bank | 5.05% | 12 | 4/26/2024 | 5/3/2024 | 5/2/2025 | 250,000 |
| Morgan Stanley bank | 5.10% | 12 | 5/2/2024 | 5/8/2024 | 5/8/2025 | 250,000 |
| Meridian Bank | 5.10% | 12 | 5/9/2024 | 5/15/2024 | 5/15/2025 | 250,000 |
| Morgan Stanley PVT Bank | 5.15% | 12 | 5/9/2024 | 5/15/2024 | 5/15/2025 | 250,000 |

Total from WF 13,709,428

From ML

| | | | | | | |
|-----------------------|-------|----|-----------|-----------|------------|---------|
| 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 |
| Cambridge saving bank | 5.35% | 9 | 6/11/2024 | 6/20/2024 | 3/17/2025 | 240,000 |
| MIZUHO Bank | 5.35% | 6 | 6/21/2024 | 6/21/2024 | 12/26/2024 | 243,000 |

Total from ML 1,213,424

From MS

| | | | | | | |
|--------------------------------|-------|----|-----------|-----------|-----------|---------|
| 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 |
| Truist Bank Charlotte CD | 5.10% | 9 | 4/9/2024 | 4/17/2024 | 1/13/2025 | 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 16,422,182

Client Fund Protection Fund

| <u>Bank</u> | <u>Yield</u> | <u>Term Months</u> | <u>Trade Date</u> | <u>Settle Date</u> | <u>Maturity Date</u> | <u>Amount</u> |
|----------------------------------|--------------|------------------------|-----------------------|------------------------|--------------------------|---------------|
| US Treasury Bill | 5.10% | 6 | 1/11/2024 | 1/12/2024 | 7/11/2024 | 243,847 |
| FHLB (Federal Home Loan Bank) CD | 5.50% | 11 | 10/11/2023 | 10/12/2023 | 8/26/2024 | 250,000 |
| US Treasury Bill | 5.15% | 6 | 3/12/2024 | 3/14/2024 | 9/12/2024 | 243,737 |
| 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 |
| FirstBank Nashville CD | 5.15% | 12 | 5/14/2024 | 5/17/2024 | 5/16/2025 | 250,000 |

Total 2,737,585

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 June 30, 2024
As % of Completion to Annual Reforecast

| | % of Year | Current Year % YTD | Current Year \$ Difference Favorable/(Unfavorable) | Prior Year YTD | Comments |
|---------------------------|-----------|--------------------|--|-------------------|--|
| Total Salaries & Benefits | 75% | 74% | \$99,130 | 74% | Favorable to reforecast due to vacant positions, and lower unemployment insurance and retirement rates. |
| Other Indirect Expenses* | 75% | 70% | \$208,964 | 68% | Favorable to reforecast due to timing of payments for legal fees, technology costs, accommodations fund, furniture maintenance and facilities costs for office space downsizing. |
| Total Indirect Expenses | 75% | 74% | \$308,094 | 73% | Favorable to reforecast resulting from other indirect net savings described above. |

| | | | | | |
|--------------------------------|-----|------|-------------|------|---|
| General Fund Revenues | 75% | 80% | \$1,164,927 | 80% | Favorable to reforecast from higher than budgeted interest income, product sales for new member and legal lunch box, pro hac vice, and MCLE fees; and timing of collection for donations, bar exam, and law clerk fees. |
| General Fund Indirect Expenses | 75% | 74% | \$284,370 | 73% | Favorable to reforecast resulting from net other indirect expenses savings. |
| General Fund Direct Expenses | 75% | 58% | \$492,708 | 46% | Favorable to reforecast due to timing of program activities and meetings/events. |
| General Fund Net | 75% | 125% | \$1,942,005 | 337% | Favorable to reforecast for the reasons described above. |

| | | | | | |
|-----------------------|-----|------|-----------|------|---|
| CLE Revenue | 75% | 79% | \$71,667 | 70% | Favorable to reforecast due to timing of product sales and higher seminar sponsor revenue |
| CLE Direct Expenses | 75% | 42% | \$104,776 | 34% | Favorable to reforecast due to timing of expenses for seminar activities. |
| CLE Indirect Expenses | 75% | 73% | \$21,615 | 72% | Favorable to reforecast and mainly due to other indirect savings. |
| CLE Net | 75% | 250% | \$198,058 | 119% | Favorable to reforecast primarily due to timing of 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 June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|-----------------------|-----------------------------------|--------------------------|-------------------------|------------------------------|-----------------------------|--|
| LICENSE FEES | | | | | | |
| REVENUE: | | | | | | |
| LICENSE FEES | 17,320,499 | 1,403,341 | 12,897,381 | 4,423,118 | 74% | (92,993) |
| TOTAL REVENUE: | 17,320,499 | 1,403,341 | 12,897,381 | 4,423,118 | 74% | (92,993) |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|------------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| ADMISSIONS | | | | | | |
| REVENUE: | | | | | | |
| EXAM SOFTWARE REVENUE | 27,500 | - | 7,450 | 20,050 | 27% | (13,175) |
| BAR EXAM FEES | 1,215,000 | 35,615 | 1,164,985 | 50,015 | 96% | 253,735 |
| RULE 9/LEGAL INTERN FEES | 12,000 | 1,750 | 13,750 | (1,750) | 115% | 4,750 |
| SPECIAL ADMISSIONS | 46,240 | 2,480 | 26,750 | 19,490 | 58% | (7,930) |
| TOTAL REVENUE: | 1,300,740 | 39,845 | 1,212,935 | 87,805 | 93% | 237,380 |
| DIRECT EXPENSES: | | | | | | |
| POSTAGE | 1,000 | 181 | 1,697 | (697) | 170% | (947) |
| STAFF TRAVEL/PARKING | 20,000 | - | 7,207 | 12,793 | 36% | 7,793 |
| STAFF MEMBERSHIP DUES | 400 | - | 305 | 95 | 76% | (5) |
| SUPPLIES | 1,500 | 1,767 | 1,767 | (267) | 118% | (642) |
| FACILITY, PARKING, FOOD | 94,000 | - | 42,976 | 51,024 | 46% | 27,524 |
| EXAMINER FEES | 34,000 | - | 11,500 | 22,500 | 34% | 14,000 |
| UBE EXMINATIONS | 113,000 | - | 37,088 | 75,912 | 33% | 47,662 |
| BOARD OF BAR EXAMINERS | 39,000 | - | 7,532 | 31,468 | 19% | 21,718 |
| BAR EXAM PROCTORS | 21,000 | - | 5,494 | 15,506 | 26% | 10,256 |
| DISABILITY ACCOMMODATIONS | 55,967 | 2,500 | 27,408 | 28,559 | 49% | 14,567 |
| CHARACTER & FITNESS INVESTIGATIONS | 1,000 | - | (59) | 1,059 | -6% | 809 |
| LAW SCHOOL VISITS | 1,700 | - | 411 | 1,289 | 24% | 864 |
| DEPRECIATION-SOFTWARE | 11,038 | 411 | 9,876 | 1,162 | 89% | (1,598) |
| SOFTWARE HOSTING | 41,140 | 3,707 | 32,684 | 8,456 | 79% | (1,829) |
| EQUIPMENT, HARDWARE & SOFTWARE | 1,000 | - | - | 1,000 | 0% | 750 |
| STAFF CONFERENCE & TRAINING | 13,500 | - | 6,348 | 7,152 | 47% | 3,777 |
| TOTAL DIRECT EXPENSES: | 449,245 | 8,567 | 192,233 | 257,012 | 43% | 144,701 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (6.75 FTE) | 522,057 | 46,951 | 405,537 | 116,521 | 78% | (13,994) |
| BENEFITS EXPENSE | 171,676 | 14,643 | 127,172 | 44,504 | 74% | 1,585 |
| OTHER INDIRECT EXPENSE | 198,867 | 9,468 | 139,351 | 59,516 | 70% | 9,799 |
| TOTAL INDIRECT EXPENSES: | 892,601 | 71,063 | 672,060 | 220,540 | 75% | (2,610) |
| TOTAL ALL EXPENSES: | 1,341,846 | 79,630 | 864,293 | 477,552 | 64% | 142,091 |
| NET INCOME (LOSS): | (41,106) | (39,785) | 348,642 | (389,747) | -848% | 379,471 |

Washington State Bar Association

Statement of Activities
For the Period from June 1, 2024 to June 30, 2024
75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| ADVANCEMENT FTE | | | | | | |
| REVENUE: | _____ | _____ | _____ | _____ | _____ | _____ |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | _____ | _____ | _____ | _____ | _____ | _____ |
| STAFF CONFERENCE & TRAINING | 8,424 | - | 3,931 | 4,493 | 47% | 2,387 |
| TOTAL DIRECT EXPENSES: | <u>8,424</u> | <u>-</u> | <u>3,931</u> | <u>4,493</u> | <u>47%</u> | <u>2,387</u> |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.89 FTE) | 244,054 | 20,744 | 185,675 | 58,380 | 76% | (2,634) |
| BENEFITS EXPENSE | 69,638 | 5,981 | 51,291 | 18,347 | 74% | 937 |
| OTHER INDIRECT EXPENSE | 55,683 | 2,656 | 39,090 | 16,593 | 70% | 2,672 |
| TOTAL INDIRECT EXPENSES: | <u>369,375</u> | <u>29,381</u> | <u>276,055</u> | <u>93,319</u> | <u>75%</u> | <u>976</u> |
| TOTAL ALL EXPENSES: | <u>377,799</u> | <u>29,381</u> | <u>279,986</u> | <u>97,813</u> | <u>74%</u> | <u>3,363</u> |
| NET INCOME (LOSS): | <u>(377,799)</u> | <u>(29,381)</u> | <u>(279,986)</u> | <u>(97,813)</u> | <u>74%</u> | <u>3,363</u> |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | - | 1,898 | 2,102 | 47% | 1,102 |
| LEADERSHIP TRAINING | 4,000 | - | 3,506 | 494 | 88% | (506) |
| ATJ BOARD EXPENSE | 65,000 | 5,369 | 19,028 | 45,972 | 29% | 29,722 |
| STAFF TRAVEL/PARKING | 2,800 | - | 537 | 2,263 | 19% | 1,563 |
| STAFF CONFERENCE & TRAINING | 3,300 | - | 1,082 | 2,218 | 33% | 1,393 |
| PUBLIC DEFENSE | 4,000 | - | 2,043 | 1,957 | 51% | 957 |
| CONFERENCE/INSTITUTE EXPENSE | - | - | (135) | 135 | | 135 |
| RECEPTION/FORUM EXPENSE | 11,000 | - | 6,663 | 4,337 | 61% | 1,587 |
| TOTAL DIRECT EXPENSES: | 94,100 | 5,369 | 34,622 | 59,478 | 37% | 35,953 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.64 FTE) | 145,500 | 10,779 | 103,685 | 41,815 | 71% | 5,440 |
| BENEFITS EXPENSE | 52,903 | 3,892 | 35,815 | 17,088 | 68% | 3,862 |
| OTHER INDIRECT EXPENSE | 48,317 | 2,291 | 33,719 | 14,599 | 70% | 2,519 |
| TOTAL INDIRECT EXPENSES: | 246,721 | 16,962 | 173,218 | 73,502 | 70% | 11,822 |
| TOTAL ALL EXPENSES: | 340,821 | 22,331 | 207,840 | 132,980 | 61% | 47,775 |
| NET INCOME (LOSS): | (340,821) | (22,331) | (207,840) | (132,980) | 61% | 47,775 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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% | (1,875) |
| DISPLAY ADVERTISING | 400,000 | 46,850 | 326,264 | 73,736 | 82% | 26,264 |
| SUBSCRIPT/SINGLE ISSUES | 100 | - | 108 | (8) | 108% | 33 |
| CLASSIFIED ADVERTISING | 7,500 | 100 | 2,205 | 5,295 | 29% | (3,420) |
| JOB TARGET ADVERTISING | 200,000 | 8,276 | 102,012 | 97,988 | 51% | (47,988) |
| TOTAL REVENUE: | 610,100 | 55,226 | 430,589 | 179,511 | 71% | (26,986) |
| DIRECT EXPENSES: | | | | | | |
| POSTAGE | 110,000 | 13,434 | 93,118 | 16,882 | 85% | (10,618) |
| PRINTING, COPYING & MAILING | 250,000 | 23,082 | 163,420 | 86,580 | 65% | 24,080 |
| DIGITAL/ONLINE DEVELOPMENT | 2,000 | - | 522 | 1,478 | 26% | 978 |
| GRAPHICS/ARTWORK | 100 | - | 1,103 | (1,003) | 1103% | (1,028) |
| EDITORIAL ADVISORY COMMITTEE | - | - | 20 | (20) | | (20) |
| STAFF CONFERENCE & TRAINING | 2,500 | - | - | 2,500 | 0% | 1,875 |
| STAFF MEMBERSHIP DUES | 135 | - | - | 135 | 0% | 101 |
| SUBSCRIPTIONS | 225 | - | 203 | 22 | 90% | (34) |
| TOTAL DIRECT EXPENSES: | 364,960 | 36,516 | 258,385 | 106,575 | 71% | 15,335 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (2.23 FTE) | 213,007 | 17,979 | 162,882 | 50,125 | 76% | (3,126) |
| BENEFITS EXPENSE | 69,472 | 5,828 | 50,949 | 18,523 | 73% | 1,155 |
| OTHER INDIRECT EXPENSE | 65,700 | 3,122 | 45,953 | 19,747 | 70% | 3,322 |
| TOTAL INDIRECT EXPENSES: | 348,179 | 26,929 | 259,783 | 88,395 | 75% | 1,350 |
| TOTAL ALL EXPENSES: | 713,139 | 63,444 | 518,168 | 194,970 | 73% | 16,686 |
| NET INCOME (LOSS): | (103,039) | (8,218) | (87,579) | (15,459) | 85% | (10,301) |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 109 | 82,674 | 107,326 | 44% | 59,826 |
| BOG COMMITTEES' EXPENSES | 2,500 | - | 18 | 2,482 | 1% | 1,857 |
| BOG RETREAT | 35,000 | 150 | 17,487 | 17,513 | 50% | 8,763 |
| BOG CONFERENCE ATTENDANCE | 60,000 | - | 48,682 | 11,318 | 81% | (3,682) |
| BOG TRAVEL & OUTREACH | 22,000 | 177 | 20,768 | 1,232 | 94% | (4,268) |
| LEADERSHIP TRAINING | 20,000 | - | - | 20,000 | 0% | 15,000 |
| BOG ELECTIONS | 26,900 | - | 9,041 | 17,860 | 34% | 11,135 |
| PRESIDENT'S DINNER | 15,000 | - | 482 | 14,518 | 3% | 10,768 |
| NEW GOVERNOR ORIENTATION | 10,000 | - | - | 10,000 | 0% | 7,500 |
| PRESIDENT'S PHOTO | 3,300 | - | 488 | 2,812 | 15% | 1,987 |
| LONG RANGE STRATEGIC PLANNING COUNCIL | 600 | - | - | 600 | 0% | 450 |
| SUPPLIES | 500 | - | 130 | 370 | 26% | 245 |
| TOTAL DIRECT EXPENSES: | 385,800 | 437 | 179,770 | 206,030 | 47% | 109,580 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.50 FTE) | 104,320 | 9,845 | 72,873 | 31,447 | 70% | 5,367 |
| BENEFITS EXPENSE | 38,166 | 2,925 | 21,292 | 16,873 | 56% | 7,332 |
| OTHER INDIRECT EXPENSE | 44,193 | 2,109 | 31,033 | 13,160 | 70% | 2,111 |
| TOTAL INDIRECT EXPENSES: | 186,679 | 14,879 | 125,199 | 61,480 | 67% | 14,810 |
| TOTAL ALL EXPENSES: | 572,479 | 15,315 | 304,969 | 267,509 | 53% | 124,390 |
| NET INCOME (LOSS): | (572,479) | (15,315) | (304,969) | (267,509) | 53% | 124,390 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|--------------------------------------|-----------------------------------|--------------------------|-------------------------|------------------------------|-----------------------------|--|
| CHARACTER & FITNESS BOARD | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | | <u>-</u> |
| DIRECT EXPENSES: | | | | | | |
| CHARACTER & FITNESS BOARD EXP | 18,000 | - | 2,064 | 15,936 | 11% | 11,436 |
| COURT REPORTERS | 15,000 | - | 687 | 14,313 | 5% | 10,563 |
| TOTAL DIRECT EXPENSES: | <u>33,000</u> | <u>-</u> | <u>2,750.45</u> | <u>30,250</u> | <u>8%</u> | <u>22,000</u> |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.75 FTE) | 93,739 | 7,322 | 72,748 | 20,992 | 78% | (2,443) |
| BENEFITS EXPENSE | 30,383 | 2,415 | 21,058 | 9,325 | 69% | 1,730 |
| OTHER INDIRECT EXPENSE | 22,096 | 1,054 | 15,517 | 6,580 | 70% | 1,056 |
| TOTAL INDIRECT EXPENSES: | <u>146,219</u> | <u>10,792</u> | <u>109,322</u> | <u>36,897</u> | <u>75%</u> | <u>342</u> |
| TOTAL ALL EXPENSES: | <u>179,219</u> | <u>10,792</u> | <u>112,073</u> | <u>67,146</u> | <u>63%</u> | <u>22,341</u> |
| NET INCOME (LOSS): | <u>(179,219)</u> | <u>(10,792)</u> | <u>(112,073)</u> | <u>(67,146)</u> | <u>63%</u> | <u>22,341</u> |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 48,324 | 460,094 | 364,906 | 56% | (158,656) |
| SEMINAR REVENUE-OTHER | 20,000 | 6,900 | 30,852 | (10,852) | 154% | 15,852 |
| SEMINAR SPLITS W/ CLE | (150,000) | - | - | (150,000) | 0% | 112,500 |
| SHIPPING & HANDLING | 300 | - | 45 | 255 | 15% | (180) |
| COURSEBOOK SALES | 10,000 | - | 360 | 9,640 | 4% | (7,140) |
| MP3 AND VIDEO SALES | 900,000 | 33,812 | 821,405 | 78,595 | 91% | 146,405 |
| TOTAL REVENUE: | 1,605,300 | 89,036 | 1,312,756 | 292,544 | 82% | (30,304) |
| DIRECT EXPENSES: | | | | | | |
| COURSEBOOK PRODUCTION | 500 | - | - | 500 | 0% | 375 |
| DEPRECIATION | 2,040 | 170 | 1,530 | 510 | 75% | - |
| ONLINE EXPENSES | 53,000 | 4,027 | 36,979 | 16,021 | 70% | 2,771 |
| ACCREDITATION FEES | 3,000 | (60) | 1,818 | 1,182 | 61% | 432 |
| EQUIPMENT, HARD.& SOFTWARE ** | - | - | 184 | (184) | | (184) |
| FACILITIES ** | 160,500 | 20,732 | 66,553 | 93,947 | 41% | 53,822 |
| DISABILITY ACCOMMODATIONS | 7,000 | - | 1,334 | 5,666 | 19% | 3,916 |
| SPEAKERS & PROGRAM DEVELOP | 45,000 | 3,448 | 16,134 | 28,866 | 36% | 17,616 |
| HONORARIA | 3,000 | - | - | 3,000 | 0% | 2,250 |
| CLE SEMINAR COMMITTEE | 200 | - | - | 200 | 0% | 150 |
| STAFF TRAVEL/PARKING | 15,000 | 2,224 | 2,957 | 12,043 | 20% | 8,293 |
| STAFF CONFERENCE & TRAINING | 2,777 | 0 | 0 | 2,777 | 0% | 2,083 |
| STAFF MEMBERSHIP DUES | 1,000 | 1,091 | 1,091 | (91) | 109% | (341) |
| SUPPLIES | 500 | - | - | 500 | 0% | 375 |
| COST OF SALES - COURSEBOOKS | 1,100 | - | 24 | 1,076 | 2% | 801 |
| POSTAGE & DELIVERY-COURSEBOOKS | 500 | - | 13 | 487 | 3% | 362 |
| TOTAL DIRECT EXPENSES: | 295,117 | 31,632 | 128,617 | 166,500 | 44% | 92,721 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (7.89 FTE) | 583,378 | 45,528 | 438,119 | 145,258 | 75% | (586) |
| BENEFITS EXPENSE | 235,053 | 17,687 | 167,392 | 67,661 | 71% | 8,898 |
| OTHER INDIRECT EXPENSE | 232,454 | 11,070 | 162,924 | 69,529 | 70% | 11,416 |
| TOTAL INDIRECT EXPENSES: | 1,050,884 | 74,285 | 768,435 | 282,449 | 73% | 19,728 |
| TOTAL ALL EXPENSES: | 1,346,001 | 105,917 | 897,052 | 448,949 | 67% | 112,449 |
| NET INCOME (LOSS): | 259,299 | (16,881) | 415,704 | (156,405) | 160% | 221,230 |

**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 June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| CLIENT PROTECTION FUND | | | | | | |
| REVENUE: | | | | | | |
| CPF RESTITUTION | 10,000 | 803 | 23,719 | (13,719) | 237% | 16,219 |
| CPF MEMBER ASSESSMENTS | 525,930 | 2,745 | 537,265 | (11,335) | 102% | 142,818 |
| INTEREST INCOME | 180,000 | 29,530 | 206,149 | (26,149) | 115% | 71,149 |
| TOTAL REVENUE: | 715,930 | 33,079 | 767,133 | (51,203) | 107% | 230,186 |
| DIRECT EXPENSES: | | | | | | |
| BANK FEES | 3,000 | (181) | (2,115) | 5,115 | -70% | 4,365 |
| GIFTS TO INJURED CLIENTS | 500,000 | 1,500 | 18,975 | 481,025 | 4% | 356,025 |
| CPF BOARD EXPENSES | 2,000 | - | 499 | 1,501 | 25% | 1,001 |
| STAFF MEMBERSHIP DUES | 200 | - | 200 | - | 100% | (50) |
| TOTAL DIRECT EXPENSES: | 505,200 | 1,319 | 17,559 | 487,641 | 3% | 361,341 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.23 FTE) | 110,717 | 8,830 | 83,560 | 27,158 | 75% | (522) |
| BENEFITS EXPENSE | 41,259 | 3,341 | 30,129 | 11,130 | 73% | 815 |
| OTHER INDIRECT EXPENSE | 36,238 | 1,723 | 25,364 | 10,874 | 70% | 1,815 |
| TOTAL INDIRECT EXPENSES: | 188,214 | 13,894 | 139,052 | 49,162 | 74% | 2,109 |
| TOTAL ALL EXPENSES: | 693,414 | 15,214 | 156,611 | 536,803 | 23% | 363,450 |
| NET INCOME (LOSS): | 22,516 | 17,865 | 610,522 | (588,007) | 2712% | 593,635 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 2,127 | 4,314 | (3,814) | 863% | 3,939 |
| TOTAL REVENUE: | 500 | 2,127 | 4,314 | (3,814) | 863% | 3,939 |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 5,895 | 198 | 2,619 | 3,276 | 44% | 1,803 |
| STAFF MEMBERSHIP DUES | 1,120 | - | 497 | 623 | 44% | 343 |
| SUBSCRIPTIONS | 4,000 | 132 | 1,596 | 2,404 | 40% | 1,404 |
| APEX DINNER | 50,000 | 21,491 | 21,491 | 28,509 | 43% | 16,009 |
| 50 YEAR MEMBER TRIBUTE LUNCH | 30,000 | 25,247 | 25,247 | 4,753 | 84% | (2,747) |
| BAR OUTREACH | 18,000 | 1,150 | 3,337 | 14,663 | 19% | 10,163 |
| COMMUNICATIONS OUTREACH | 15,000 | 6 | 3,259 | 11,741 | 22% | 7,991 |
| EQUIPMENT, HARDWARE & SOFTWARE | 2,500 | - | 1 | 2,499 | 0% | 1,874 |
| STAFF CONFERENCE & TRAINING | 7,500 | - | 9,199 | (1,699) | 123% | (3,574) |
| TOTAL DIRECT EXPENSES: | 134,015 | 48,224 | 67,245 | 66,770 | 50% | 33,266 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (5.20 FTE) | 398,702 | 27,133 | 266,326 | 132,376 | 67% | 32,700 |
| BENEFITS EXPENSE | 136,595 | 9,288 | 91,941 | 44,655 | 67% | 10,506 |
| OTHER INDIRECT EXPENSE | 153,201 | 7,299 | 107,423 | 45,779 | 70% | 7,479 |
| TOTAL INDIRECT EXPENSES: | 688,499 | 43,721 | 465,689 | 222,809 | 68% | 50,685 |
| TOTAL ALL EXPENSES: | 822,514 | 91,945 | 532,934 | 289,579 | 65% | 83,951 |
| NET INCOME (LOSS): | (822,014) | (89,819) | (528,620) | (293,393) | 64% | 87,890 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|-------------------------------------|-----------------------------------|--------------------------|-------------------------|------------------------------|-----------------------------|--|
| COMMUNICATION STRATEGIES FTE | | | | | | |
| INDIRECT EXPENSES: | _____ | _____ | _____ | _____ | _____ | _____ |
| SALARY EXPENSE (1.00 FTE) | 171,146 | 14,346 | 129,948 | 41,198 | 76% | (1,588) |
| BENEFITS EXPENSE | 47,372 | 4,093 | 35,486 | 11,887 | 75% | 43 |
| OTHER INDIRECT EXPENSE | 29,462 | 1,399 | 20,589 | 8,872 | 70% | 1,507 |
| TOTAL INDIRECT EXPENSES: | <u>247,980</u> | <u>19,838</u> | <u>186,023</u> | <u>61,957</u> | <u>75%</u> | <u>(38)</u> |
| NET INCOME (LOSS): | <u>(247,980)</u> | <u>(19,838)</u> | <u>(186,023)</u> | <u>(61,957)</u> | <u>75%</u> | <u>(38)</u> |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|-------------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| DESKBOOKS | | | | | | |
| REVENUE: | | | | | | |
| DESKBOOK SALES | 30,000 | 3,816 | 8,081 | 21,919 | 27% | (14,419) |
| LEXIS/NEXIS ROYALTIES | 75,000 | 4,057 | 39,466 | 35,534 | 53% | (16,784) |
| SECTION PUBLICATION SALES | 1,500 | 45 | 585 | 915 | 39% | (540) |
| FASTCASE ROYALTIES | 30,000 | - | 17,130 | 12,870 | 57% | (5,370) |
| TOTAL REVENUE: | 136,500 | 7,918 | 65,261 | 71,239 | 48% | (37,114) |
| DIRECT EXPENSES: | | | | | | |
| COST OF SALES - DESKBOOKS | 4,000 | 947 | 2,665 | 1,336 | 67% | 336 |
| COST OF SALES - SECTION PUBLICATION | 500 | 37 | 355 | 145 | 71% | 20 |
| SPLITS TO SECTIONS | 300 | - | 96 | 204 | 32% | 129 |
| DESKBOOK ROYALTIES | 300 | - | 198 | 102 | 66% | 27 |
| OBSOLETE INVENTORY | 21,000 | - | 4,122 | 16,878 | 20% | 11,628 |
| STAFF MEMBERSHIP DUES | 225 | 248 | 248 | (23) | 110% | (79) |
| SUBSCRIPTIONS | 50 | - | 43 | 7 | 86% | (6) |
| TOTAL DIRECT EXPENSES: | 26,375 | 1,232 | 7,726 | 18,649 | 29% | 12,055 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.65 FTE) | 155,883 | 13,066 | 118,357 | 37,525 | 76% | (1,445) |
| BENEFITS EXPENSE | 51,896 | 4,345 | 38,032 | 13,864 | 73% | 890 |
| OTHER INDIRECT EXPENSE | 48,612 | 2,311 | 34,017 | 14,595 | 70% | 2,442 |
| TOTAL INDIRECT EXPENSES: | 256,391 | 19,722 | 190,406 | 65,984 | 74% | 1,887 |
| TOTAL ALL EXPENSES: | 282,766 | 20,954 | 198,133 | 84,633 | 70% | 13,942 |
| NET INCOME (LOSS): | (146,266) | (13,036) | (132,871) | (13,395) | 91% | (23,172) |

Washington State Bar Association

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|--------------------|----------------------|---------------------|---|
| DISCIPLINE | | | | | | |
| REVENUE: | | | | | | |
| AUDIT REVENUE | 1,000 | - | 170 | 830 | 17% | (580) |
| RECOVERY OF DISCIPLINE COSTS | 100,000 | 4,615 | 37,823 | 62,177 | 38% | (37,177) |
| DISCIPLINE HISTORY SUMMARY | 18,000 | 1,440 | 13,320 | 4,680 | 74% | (180) |
| TOTAL REVENUE: | 119,000 | 6,055 | 51,313 | 67,687 | 43% | (37,937) |
| DIRECT EXPENSES: | | | | | | |
| DEPRECIATION-SOFTWARE | 11,539 | - | - | 11,539 | 0% | 8,654 |
| PUBLICATIONS PRODUCTION | 300 | - | - | 300 | 0% | 225 |
| STAFF TRAVEL/PARKING | 15,000 | 396 | 8,374 | 6,626 | 56% | 2,876 |
| STAFF MEMBERSHIP DUES | 7,365 | - | 6,418 | 947 | 87% | (894) |
| TELEPHONE | 4,800 | 181 | 2,197 | 2,603 | 46% | 1,403 |
| COURT REPORTERS | 60,000 | 11,909 | 52,270 | 7,730 | 87% | (7,270) |
| OUTSIDE COUNSEL/AIC | 1,000 | - | 250 | 750 | 25% | 500 |
| LITIGATION EXPENSES | 40,000 | 2,042 | 39,159 | 841 | 98% | (9,159) |
| DISABILITY EXPENSES | 9,000 | - | 1,414 | 7,586 | 16% | 5,336 |
| TRANSLATION SERVICES | 1,000 | 510 | 8,538 | (7,538) | 854% | (7,788) |
| STAFF CONFERENCE & TRAINING | 34,627 | - | 16,972 | 17,655 | 49% | 8,999 |
| TOTAL DIRECT EXPENSES: | 184,630 | 15,037 | 135,592 | 49,039 | 73% | 2,881 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (38.00 FTE) | 3,795,327 | 310,949 | 2,792,882 | 1,002,445 | 74% | 53,613 |
| BENEFITS EXPENSE | 1,130,160 | 96,318 | 829,687 | 300,473 | 73% | 17,933 |
| OTHER INDIRECT EXPENSE | 1,119,549 | 53,262 | 783,886 | 335,663 | 70% | 55,775 |
| TOTAL INDIRECT EXPENSES: | 6,045,036 | 460,530 | 4,406,455 | 1,638,581 | 73% | 127,322 |
| TOTAL ALL EXPENSES: | 6,229,667 | 475,567 | 4,542,047 | 1,687,620 | 73% | 130,203 |
| NET INCOME (LOSS): | (6,110,667) | (469,512) | (4,490,734) | (1,619,932) | 73% | 92,266 |

Washington State Bar Association

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

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|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| DIVERSITY | | | | | | |
| REVENUE: | | | | | | |
| DONATIONS | 135,000 | - | 135,000 | - | 100% | 33,750 |
| TOTAL REVENUE: | 135,000 | - | 135,000 | - | 100% | 33,750 |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 1,500 | 31 | 265 | 1,235 | 18% | 860 |
| STAFF MEMBERSHIP DUES | 550 | - | 90 | 460 | 16% | 323 |
| COMMITTEE FOR DIVERSITY | 3,800 | 136 | 261 | 3,539 | 7% | 2,589 |
| DIVERSITY EVENTS & PROJECTS | 31,800 | 400 | 975 | 30,825 | 3% | 22,875 |
| SURVEYS | 17,500 | - | 10,000 | 7,500 | 57% | 3,125 |
| STAFF CONFERENCE & TRAINING | 2,000 | - | 2,000 | - | 100% | (500) |
| CONSULTING SERVICES | 60,550 | 8,000 | 25,500 | 35,050 | 42% | 19,913 |
| TOTAL DIRECT EXPENSE: | 117,700 | 8,567 | 39,091 | 78,609 | 33% | 49,184 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (2.69 FTE) | 212,559 | 10,491 | 97,845 | 114,714 | 46% | 61,575 |
| BENEFITS EXPENSE | 70,525 | 3,288 | 30,474 | 40,051 | 43% | 22,420 |
| OTHER INDIRECT EXPENSE | 79,252 | 3,771 | 55,502 | 23,751 | 70% | 3,938 |
| TOTAL INDIRECT EXPENSES: | 362,337 | 17,550 | 183,821 | 178,516 | 51% | 87,932 |
| TOTAL ALL EXPENSES: | 480,037 | 26,117 | 222,911 | 257,125 | 46% | 137,116 |
| NET INCOME (LOSS): | (345,037) | (26,117) | (87,911) | (257,125) | 25% | 170,866 |

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | - | 10,500 | (3,000) | 140% | 4,875 |
| ROYALTIES | 62,000 | 386 | 51,234 | 10,766 | 83% | 4,734 |
| TOTAL REVENUE: | 69,500 | 386 | 61,734 | 7,766 | 89% | 9,609 |
| DIRECT EXPENSES: | | | | | | |
| STAFF MEMBERSHIP DUES | 1,350 | - | 517 | 833 | 38% | 496 |
| MEMBER WELLNESS COUNCIL | 1,000 | - | - | 1,000 | 0% | 750 |
| STAFF TRAVEL/PARKING | 2,250 | 309 | 1,968 | 282 | 87% | (280) |
| STAFF CONFERENCE & TRAINING | 572 | - | 527 | 45 | 92% | (98) |
| SUBSCRIPTIONS | 1,200 | 110 | 993 | 207 | 83% | (93) |
| CPE COMMITTEE | 1,000 | - | 386 | 614 | 39% | 364 |
| FASTCASE | 75,000 | - | 84,042 | (9,042) | 112% | (27,792) |
| TOTAL DIRECT EXPENSES: | 82,372 | 420 | 88,432 | (6,060) | 107% | (26,653) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (3.53 FTE) | 355,322 | 30,092 | 271,100 | 84,222 | 76% | (4,609) |
| BENEFITS EXPENSE | 148,925 | 12,498 | 109,345 | 39,580 | 73% | 2,348 |
| OTHER INDIRECT EXPENSE | 104,000 | 4,967 | 73,107 | 30,893 | 70% | 4,893 |
| TOTAL INDIRECT EXPENSES: | 608,247 | 47,558 | 453,552 | 154,695 | 75% | 2,633 |
| TOTAL ALL EXPENSES: | 690,619 | 47,977 | 541,985 | 148,634 | 78% | (24,020) |
| NET INCOME (LOSS): | (621,119) | (47,591) | (480,251) | (140,869) | 77% | (14,411) |

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75% OF YEAR COMPLETE

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|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| FINANCE | | | | | | |
| REVENUE: | | | | | | |
| INTEREST INCOME | 650,000 | 96,072 | 795,054 | (145,054) | 122% | 307,554 |
| TOTAL REVENUE: | 650,000 | 96,072 | 795,054 | (145,054) | 122% | 307,554 |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 1,500 | 36 | 3,639 | (2,139) | 243% | (2,514) |
| STAFF CONFERENCE & TRAINING | 520 | - | 263 | 257 | 51% | 127 |
| STAFF MEMBERSHIP DUES | 620 | - | 613 | 7 | 99% | (148) |
| TOTAL DIRECT EXPENSES: | 2,640 | 36 | 4,515 | (1,875) | 171% | (2,535) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (6.92 FTE) | 714,291 | 61,056 | 533,867 | 180,424 | 75% | 1,851 |
| BENEFITS EXPENSE | 232,902 | 19,842 | 162,303 | 70,599 | 70% | 12,374 |
| OTHER INDIRECT EXPENSE | 203,876 | 9,712 | 142,932 | 60,944 | 70% | 9,975 |
| TOTAL INDIRECT EXPENSES: | 1,151,069 | 90,610 | 839,102 | 311,967 | 73% | 24,200 |
| TOTAL ALL EXPENSES: | 1,153,709 | 90,646 | 843,617 | 310,092 | 73% | 21,664 |
| NET INCOME (LOSS): | (503,709) | 5,426 | (48,563) | (455,146) | 10% | 329,219 |

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75% OF YEAR COMPLETE

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|---------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| FOUNDATION | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| CONSULTING SERVICES | 3,000 | - | 3,000 | - | 100% | (750) |
| PRINTING & COPYING | 700 | - | 442 | 258 | 63% | 83 |
| STAFF TRAVEL/PARKING | 900 | - | - | 900 | 0% | 675 |
| SUPPLIES | 150 | - | - | 150 | 0% | 113 |
| BOARD OF TRUSTEES | 3,250 | 75 | 474 | 2,776 | 15% | 1,963 |
| EQUIPMENT/HARDWARE/SOFTWARE | - | 220 | 1,516 | (1,516) | | (1,516) |
| POSTAGE | 350 | - | 38 | 312 | 11% | 224 |
| STAFF CONFERENCE & TRAINING | 2,300 | - | 279 | 2,021 | 12% | 1,446 |
| TOTAL DIRECT EXPENSES: | 10,650 | 295 | 5,750 | 4,900 | 54% | 2,237 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.05 FTE) | 100,026 | 8,581 | 75,347 | 24,679 | 75% | (327) |
| BENEFITS EXPENSE | 38,468 | 3,267 | 28,115 | 10,353 | 73% | 736 |
| OTHER INDIRECT EXPENSE | 30,935 | 1,480 | 21,783 | 9,152 | 70% | 1,418 |
| TOTAL INDIRECT EXPENSES: | 169,428 | 13,328 | 125,245 | 44,184 | 74% | 1,827 |
| TOTAL ALL EXPENSES: | 180,078 | 13,623 | 130,995 | 49,084 | 73% | 4,064 |
| NET INCOME (LOSS): | (180,078) | (13,623) | (130,995) | (49,084) | 73% | 4,064 |

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75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| HUMAN RESOURCES | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 700 | 18 | 36 | 664 | 5% | 489 |
| STAFF MEMBERSHIP DUES | 1,000 | 169 | 1,036 | (36) | 104% | (286) |
| SUBSCRIPTIONS | 1,000 | - | 1,818 | (818) | 182% | (1,068) |
| STAFF TRAINING- GENERAL | 12,912 | - | 7,231 | 5,681 | 56% | 2,453 |
| RECRUITING AND ADVERTISING | 8,000 | 1,975 | 4,789 | 3,211 | 60% | 1,211 |
| PAYROLL PROCESSING | 50,000 | 3,379 | 31,275 | 18,725 | 63% | 6,225 |
| SALARY SURVEYS | 1,500 | - | 1,973 | (473) | 132% | (848) |
| CONSULTING SERVICES | 2,000 | - | - | 2,000 | 0% | 1,500 |
| TRANSFER TO INDIRECT EXPENSE | (77,112) | (5,541) | (48,158) | (28,954) | 62% | (9,676) |
| TOTAL DIRECT EXPENSES: | - | - | - | - | | - |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (4.00 FTE) | 608,465 | 61,831 | 357,761 | 250,704 | 59% | 98,587 |
| ALLOWANCE FOR OPEN POSITIONS | (200,000) | - | - | (200,000) | 0% | (150,000) |
| BENEFITS EXPENSE | 98,842 | 17,015 | 112,095 | (13,254) | 113% | (37,964) |
| OTHER INDIRECT EXPENSE | 117,847 | 5,616 | 82,656 | 35,192 | 70% | 5,730 |
| TOTAL INDIRECT EXPENSES: | 625,154 | 84,462 | 552,512 | 72,642 | 88% | (83,647) |
| TOTAL ALL EXPENSES: | 625,154 | 84,462 | 552,512 | 72,642 | 88% | (83,647) |
| NET INCOME (LOSS): | (625,154) | (84,462) | (552,512) | (72,642) | 88% | (83,647) |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 2,834 | 191,568 | 12,432 | 94% | 38,568 |
| LAW CLERK APPLICATION FEES | 3,200 | 500 | 3,900 | (700) | 122% | 1,500 |
| TOTAL REVENUE: | 207,200 | 3,334 | 195,468 | 11,732 | 94% | 40,068 |
| DIRECT EXPENSES: | | | | | | |
| SUBSCRIPTIONS | 250 | - | - | 250 | 0% | 188 |
| DEPRECIATION | 4,675 | - | - | 4,675 | 0% | 3,507 |
| CHARACTER & FITNESS INVESTIGATIONS | 100 | - | - | 100 | 0% | 75 |
| LAW CLERK BOARD EXPENSE | 8,000 | 1,249 | 4,894 | 3,106 | 61% | 1,106 |
| STAFF TRAVEL/PARKING | 500 | - | 24 | 476 | 5% | 351 |
| SOFTWARE HOSTING | 1,210 | 109 | 961 | 249 | 79% | (54) |
| LAW CLERK OUTREACH | 5,000 | - | 73 | 4,927 | 1% | 3,677 |
| TOTAL DIRECT EXPENSES: | 19,735 | 1,358 | 5,952 | 13,783 | 30% | 8,849 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.23 FTE) | 100,677 | 8,596 | 76,040 | 24,637 | 76% | (532) |
| BENEFITS EXPENSE | 31,257 | 2,615 | 22,544 | 8,713 | 72% | 899 |
| OTHER INDIRECT EXPENSE | 36,238 | 1,723 | 25,363 | 10,875 | 70% | 1,815 |
| TOTAL INDIRECT EXPENSES: | 168,171 | 12,935 | 123,947 | 44,224 | 74% | 2,182 |
| TOTAL ALL EXPENSES: | 187,907 | 14,293 | 129,899 | 58,008 | 69% | 11,031 |
| NET INCOME (LOSS): | 19,293 | (10,959) | 65,569 | (46,276) | 340% | 51,099 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | - | 83 | 2,417 | 3% | 1,792 |
| STAFF MEMBERSHIP DUES | 450 | - | 130 | 320 | 29% | 208 |
| JUD RECOMMEND COMMITTEE | 2,250 | - | - | 2,250 | 0% | 1,688 |
| SUBSCRIPTIONS | 2,000 | - | 1,985 | 16 | 99% | (485) |
| TELEPHONE | 485 | 48 | 433 | 52 | 89% | (69) |
| OLYMPIA RENT | 1,500 | - | - | 1,500 | 0% | 1,125 |
| CONTRACT LOBBYIST | 12,500 | 3,125 | 12,500 | - | 100% | (3,125) |
| LEGISLATIVE COMMITTEE | 1,250 | - | 2 | 1,248 | 0% | 936 |
| BOG LEGISLATIVE COMMITTEE | 300 | - | - | 300 | 0% | 225 |
| STAFF CONFERENCE & TRAINING | 2,500 | - | 1,736 | 764 | 69% | 139 |
| TOTAL DIRECT EXPENSES: | 25,735 | 3,173 | 16,868 | 8,867 | 66% | 2,433 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.70 FTE) | 152,783 | 12,827 | 114,838 | 37,945 | 75% | (251) |
| BENEFITS EXPENSE | 52,771 | 4,427 | 38,451 | 14,320 | 73% | 1,127 |
| OTHER INDIRECT EXPENSE | 50,085 | 2,392 | 35,211 | 14,874 | 70% | 2,353 |
| TOTAL INDIRECT EXPENSES: | 255,640 | 19,646 | 188,500 | 67,140 | 74% | 3,230 |
| TOTAL ALL EXPENSES: | 281,375 | 22,819 | 205,368 | 76,006 | 73% | 5,663 |
| NET INCOME (LOSS): | (281,375) | (22,819) | (205,368) | (76,006) | 73% | 5,663 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---|---------------------------|------------------|------------------|----------------------|---------------------|---|
| LICENSING & MEMBERSHIP RECORDS | | | | | | |
| REVENUE: | | | | | | |
| STATUS CERTIFICATE FEES | 27,000 | 1,625 | 22,100 | 4,900 | 82% | 1,850 |
| INVESTIGATION FEES | 20,000 | 1,900 | 22,000 | (2,000) | 110% | 7,000 |
| PRO HAC VICE | 400,000 | 35,724 | 368,705 | 31,295 | 92% | 68,705 |
| MEMBER CONTACT INFORMATION | 3,700 | - | 5,706 | (2,006) | 154% | 2,931 |
| PHOTO BAR CARD SALES | 200 | 12 | 216 | (16) | 108% | 66 |
| TOTAL REVENUE: | 450,900 | 39,261 | 418,727 | 32,173 | 93% | 80,552 |
| DIRECT EXPENSES: | | | | | | |
| POSTAGE | 17,652 | - | 14,599 | 3,053 | 83% | (1,360) |
| CONSULTING SERVICES ** | 12,000 | 6,000 | 6,000 | 6,000 | 50% | 3,000 |
| SOFTWARE HOSTING | 15,125 | 1,363 | 12,016 | 3,109 | 79% | (672) |
| TOTAL DIRECT EXPENSES: | 44,777 | 7,363 | 32,615 | 12,162 | 73% | 967 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (3.83 FTE) | 401,688 | 38,734 | 308,460 | 93,229 | 77% | (7,193) |
| BENEFITS EXPENSE | 137,867 | 11,450 | 101,580 | 36,287 | 74% | 1,821 |
| OTHER INDIRECT EXPENSE | 112,839 | 5,373 | 79,075 | 33,764 | 70% | 5,554 |
| TOTAL INDIRECT EXPENSES: | 652,394 | 55,557 | 489,114 | 163,280 | 75% | 181 |
| TOTAL ALL EXPENSES: | 697,171 | 62,920 | 521,730 | 175,442 | 75% | 1,149 |
| NET INCOME (LOSS): | (246,271) | (23,659) | (103,002) | (143,269) | 42% | 81,701 |

**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 June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| LIMITED LICENSE LEGAL TECHNICIAN PROGRAM | | | | | | |
| REVENUE: | | | | | | |
| SEMINAR REGISTRATIONS | 2,000 | - | 1,045 | 955 | 52% | (455) |
| LLLT LICENSE FEES | 18,562 | 1,315 | 11,317 | 7,245 | 61% | (2,604) |
| LLLT LATE LICENSE FEES | - | - | 404 | (404) | | 404 |
| INVESTIGATION FEES | - | - | 100 | (100) | | 100 |
| MCLE LATE FEES | 150 | - | 450 | (300) | 300% | 338 |
| TOTAL REVENUE: | 20,712 | 1,315 | 13,316 | 7,396 | 64% | (2,218) |
| DIRECT EXPENSES: | | | | | | |
| LLLT BOARD | 14,240 | - | 1,118 | 13,122 | 8% | 9,562 |
| TOTAL DIRECT EXPENSES: | 14,240 | - | 1,118 | 13,122 | 8% | 9,562 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.53 FTE) | 51,460 | 4,396 | 38,785 | 12,675 | 75% | (190) |
| BENEFITS EXPENSE | 14,055 | 1,196 | 10,228 | 3,828 | 73% | 314 |
| OTHER INDIRECT EXPENSE | 15,615 | 750 | 11,041 | 4,574 | 71% | 670 |
| TOTAL INDIRECT EXPENSES: | 81,130 | 6,343 | 60,054 | 21,077 | 74% | 794 |
| TOTAL ALL EXPENSES: | 95,370 | 6,343 | 61,172 | 34,198 | 64% | 10,356 |
| NET INCOME (LOSS): | (74,658) | (5,028) | (47,856) | (26,802) | 64% | 8,138 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|----------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| LIMITED PRACTICE OFFICERS | | | | | | |
| REVENUE: | | | | | | |
| INVESTIGATION FEES | 200 | 100 | 1,100 | (900) | 550% | 950 |
| MCLE LATE FEES | 4,000 | - | 3,150 | 850 | 79% | 150 |
| LPO EXAMINATION FEES | 25,300 | - | 21,200 | 4,100 | 84% | 2,225 |
| LPO LICENSE FEES | 170,000 | 13,268 | 118,233 | 51,767 | 70% | (9,267) |
| LPO LATE LICENSE FEES | 2,500 | - | 3,600 | (1,100) | 144% | 1,725 |
| TOTAL REVENUE: | 202,000 | 13,368 | 147,283 | 54,717 | 73% | (4,217) |
| DIRECT EXPENSES: | | | | | | |
| FACILITY, PARKING, FOOD | 6,300 | - | 2,245 | 4,055 | 36% | 2,480 |
| EXAM WRITING | 9,000 | - | 8,400 | 600 | 93% | (1,650) |
| LPO BOARD | 4,000 | 278 | 278 | 3,722 | 7% | 2,722 |
| LPO OUTREACH | 1,000 | - | - | 1,000 | 0% | 750 |
| EQUIPMENT, HARDWARE & SOFTWARE | 1,000 | - | 1,240 | (240) | 124% | (490) |
| PRINTING & COPYING | 200 | 46 | 123 | 77 | 62% | 27 |
| SUPPLIES | 100 | - | 113 | (13) | 113% | (38) |
| SOFTWARE HOSTING | 3,025 | 273 | 2,403 | 622 | 79% | (134) |
| TOTAL DIRECT EXPENSES: | 24,625 | 596 | 14,802 | 9,823 | 60% | 3,666 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.78 FTE) | 69,420 | 5,971 | 52,325 | 17,095 | 75% | (260) |
| BENEFITS EXPENSE | 19,678 | 1,679 | 14,206 | 5,473 | 72% | 553 |
| OTHER INDIRECT EXPENSE | 22,980 | 1,095 | 16,113 | 6,867 | 70% | 1,122 |
| TOTAL INDIRECT EXPENSES: | 112,079 | 8,744 | 82,644 | 29,435 | 74% | 1,415 |
| TOTAL ALL EXPENSES: | 136,704 | 9,340 | 97,446 | 39,258 | 71% | 5,082 |
| NET INCOME (LOSS): | 65,296 | 4,028 | 49,836 | 15,459 | 76% | 865 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---|---------------------------|------------------|------------------|----------------------|---------------------|---|
| MEMBER SERVICES & ENGAGEMENT | | | | | | |
| TEAM | | | | | | |
| (LLB-MINI-MSE-NME) | | | | | | |
| REVENUE: | | | | | | |
| ROYALTIES | 10,800 | 1,200 | 10,367 | 433 | 96% | 2,267 |
| NMP PRODUCT SALES | 40,000 | 3,070 | 97,419 | (57,419) | 244% | 67,419 |
| DIGITAL VIDEO SALES | 20,000 | 686 | 24,402 | (4,402) | 122% | 9,402 |
| SPONSORSHIPS | 9,000 | (934) | 11,566 | (2,566) | 129% | 4,816 |
| SEMINAR REGISTRATIONS | 15,000 | 1,980 | 18,435 | (3,435) | 123% | 7,185 |
| TRIAL ADVOCACY PROGRAM | 12,000 | - | 12,098 | (98) | 101% | 3,098 |
| TOTAL REVENUE: | 106,800 | 6,002 | 174,287 | (67,487) | 163% | 94,187 |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 2,500 | - | 20 | 2,480 | 1% | 1,855 |
| STAFF CONFERENCE & TRAINING | 250 | - | 339 | (89) | 136% | (152) |
| SMALL TOWN AND RURAL COMMITTEE | 5,000 | - | - | 5,000 | 0% | 3,750 |
| PRINTING & COPYING | 1,300 | - | - | 1,300 | 0% | 975 |
| NEW LAWYER OUTREACH | 1,000 | - | - | 1,000 | 0% | 750 |
| DISABILITY ACCOMMODATIONS | 2,000 | - | - | 2,000 | 0% | 1,500 |
| HONORARIUM | 1,500 | - | - | 1,500 | 0% | 1,125 |
| YLL SECTION PROGRAM | 1,500 | - | - | 1,500 | 0% | 1,125 |
| SMALL TOWN AND RURAL COMMITTEE OUTREACH AND ACTIVITIES | 55,000 | 24,272 | 26,215 | 28,785 | 48% | 15,035 |
| ON24 OVERAGE CHARGE | 4,500 | - | 6,067 | (1,567) | 135% | (2,692) |
| MEMBER ENGAGEMENT COUNCIL | 1,000 | - | - | 1,000 | 0% | 750 |
| WYLC CLE COMPS | 1,000 | - | - | 1,000 | 0% | 750 |
| WYLC OUTREACH EVENTS | 1,500 | - | 509 | 991 | 34% | 616 |
| SPEAKERS & PROGRAM DEVELOP | 100 | - | - | 100 | 0% | 75 |
| WYL COMMITTEE | 13,500 | - | 2,286 | 11,214 | 17% | 7,839 |
| TRIAL ADVOCACY EXPENSES | 1,500 | 115 | 1,254 | 246 | 84% | (129) |
| RECEPTION/FORUM EXPENSE | 1,000 | - | 149 | 851 | 15% | 601 |
| INSURANCE REBATE | (425) | - | - | (425) | 0% | (319) |
| WYLC SCHOLARSHIPS/DONATIONS/GRANT | 5,000 | - | - | 5,000 | 0% | 3,750 |
| STAFF MEMBERSHIP DUES | 845 | - | 150 | 695 | 18% | 484 |
| LENDING LIBRARY | 4,000 | 41 | 133 | 3,867 | 3% | 2,867 |
| NMP SPEAKERS & PROGRAM DEVELOPMENT | 250 | - | - | 250 | 0% | 188 |
| TOTAL DIRECT EXPENSES: | 103,820 | 24,428 | 37,122 | 66,698 | 36% | 40,743 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (4.64 FTE) | 322,883 | 25,583 | 237,880 | 85,003 | 74% | 4,283 |
| BENEFITS EXPENSE | 112,926 | 7,340 | 76,395 | 36,531 | 68% | 8,300 |
| OTHER INDIRECT EXPENSE | 136,703 | 6,508 | 95,785 | 40,918 | 70% | 6,742 |
| INSURANCE REBATE | (4,060) | - | - | (4,060) | 0% | (3,045) |
| TOTAL INDIRECT EXPENSES: | 568,452 | 39,431 | 410,060 | 158,392 | 72% | 16,279 |
| TOTAL ALL EXPENSES: | 672,272 | 63,859 | 447,182 | 225,090 | 67% | 57,022 |
| NET INCOME (LOSS): | (565,472) | (57,857) | (272,895) | (292,577) | 48% | 151,209 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 2,956 | 15,947 | (947) | 106% | (4,697) |
| WASHINGTON LEADERSHIP INSTITUTE | 80,000 | - | 80,000 | - | 100% | (20,000) |
| ED TRAVEL & OUTREACH | 4,000 | 1,227 | 4,595 | (595) | 115% | (1,595) |
| STAFF TRAVEL/PARKING | 4,450 | 208 | 1,889 | 2,561 | 42% | 1,449 |
| STAFF CONFERENCE & TRAINING | 9,282 | - | 6,734 | 2,548 | 73% | 228 |
| STAFF MEMBERSHIP DUES | 1,890 | - | 840 | 1,050 | 44% | 578 |
| TOTAL DIRECT EXPENSES: | 114,622 | 4,391 | 110,005 | 4,617 | 96% | (24,039) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (2.90 FTE) | 491,121 | 41,690 | 369,956 | 121,166 | 75% | (1,614) |
| BENEFITS EXPENSE | 126,289 | 12,017 | 99,384 | 26,905 | 79% | (4,667) |
| OTHER INDIRECT EXPENSE | 85,439 | 4,075 | 59,977 | 25,462 | 70% | 4,102 |
| TOTAL INDIRECT EXPENSES: | 702,850 | 57,782 | 529,317 | 173,533 | 75% | (2,179) |
| TOTAL ALL EXPENSES: | 817,472 | 62,173 | 639,322 | 178,150 | 78% | (26,218) |
| NET INCOME (LOSS): | (817,472) | (62,173) | (639,322) | (178,150) | 78% | (26,218) |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|----------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| OFFICE OF GENERAL COUNSEL | | | | | | |
| REVENUE: | | | | | | |
| COPY FEES | - | - | 427 | (427) | | 427 |
| TOTAL REVENUE: | - | - | 427 | (427) | | 427 |
| DIRECT EXPENSES: | | | | | | |
| STAFF MEMBERSHIP DUES | 2,868 | - | 1,225 | 1,643 | 43% | 926 |
| COURT RULES COMMITTEE | 1,000 | - | - | 1,000 | 0% | 750 |
| CUSTODIANSHIPS | 5,000 | - | 125 | 4,875 | 2% | 3,625 |
| WILLS | 2,000 | - | - | 2,000 | 0% | 1,500 |
| LITIGATION EXPENSES | 200 | - | - | 200 | 0% | 150 |
| TRANSCRIPTION SERVICES | 2,100 | - | - | 2,100 | 0% | 1,575 |
| DISABILITY ACCOMMODATIONS | 6,000 | - | 532 | 5,468 | 9% | 3,968 |
| STAFF CONFERENCE & TRAINING | 6,656 | - | 750 | 5,906 | 11% | 4,242 |
| TOTAL DIRECT EXPENSES: | 25,824 | - | 2,632 | 23,192 | 10% | 16,736 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (6.07 FTE) | 682,914 | 58,498 | 515,863 | 167,051 | 76% | (3,678) |
| BENEFITS EXPENSE | 221,400 | 12,987 | 134,159 | 87,241 | 61% | 31,891 |
| OTHER INDIRECT EXPENSE | 178,833 | 8,515 | 125,326 | 53,507 | 70% | 8,798 |
| TOTAL INDIRECT EXPENSES: | 1,083,147 | 80,001 | 775,348 | 307,799 | 72% | 37,012 |
| TOTAL ALL EXPENSES: | 1,108,971 | 80,001 | 777,980 | 330,991 | 70% | 53,748 |
| NET INCOME (LOSS): | (1,108,971) | (80,001) | (777,553) | (331,418) | 70% | 54,175 |

Washington State Bar Association

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

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|---|-----------------------------------|--------------------------|-------------------------|------------------------------|-----------------------------|--|
| OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSE: | | | | | | |
| STAFF MEMBERSHIP DUES | 100 | - | - | 100 | 0% | 75 |
| DISCIPLINARY BOARD EXPENSES | 4,000 | - | 797 | 3,203 | 20% | 2,203 |
| CHIEF HEARING OFFICER | 40,000 | 3,333 | 29,997 | 10,003 | 75% | 3 |
| COURT REPORTERS | 500 | 2,377 | 37,161 | (36,661) | 7432% | (36,786) |
| HEARING OFFICER EXPENSES | 4,000 | - | 163 | 3,837 | 4% | 2,837 |
| HEARING OFFICER TRAINING | 400 | - | - | 400 | 0% | 300 |
| APPOINTED COUNSEL | 48,000 | 4,200 | 37,000 | 11,000 | 77% | (1,000) |
| DISCIPLINARY SELECTION PANEL | 1,000 | - | - | 1,000 | 0% | 750 |
| TOTAL DIRECT EXPENSES: | 98,000 | 9,910 | 105,117 | (7,117) | 107% | (31,617) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.40 FTE) | 129,192 | 10,809 | 101,672 | 27,519 | 79% | (4,778) |
| BENEFITS EXPENSE | 34,681 | 2,897 | 28,224 | 6,457 | 81% | (2,213) |
| OTHER INDIRECT EXPENSE | 41,247 | 1,967 | 28,944 | 12,302 | 70% | 1,991 |
| TOTAL INDIRECT EXPENSES: | 205,120 | 15,673 | 158,841 | 46,279 | 77% | (5,001) |
| TOTAL ALL EXPENSES: | 303,120 | 25,583 | 263,958 | 39,161 | 87% | (36,619) |
| NET INCOME (LOSS): | (303,120) | (25,583) | (263,958) | (39,161) | 87% | (36,619) |

Washington State Bar Association

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| PRACTICE OF LAW BOARD | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| PRACTICE OF LAW BOARD | 12,000 | - | 1,157 | 10,843 | 10% | 7,843 |
| TOTAL DIRECT EXPENSES: | 12,000 | - | 1,157 | 10,843 | 10% | 7,843 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.55 FTE) | 47,419 | 3,461 | 37,767 | 9,652 | 80% | (2,202) |
| BENEFITS EXPENSE | 21,236 | 1,636 | 14,217 | 7,019 | 67% | 1,710 |
| OTHER INDIRECT EXPENSE | 16,204 | 770 | 11,339 | 4,865 | 70% | 814 |
| TOTAL INDIRECT EXPENSES: | 84,860 | 5,867 | 63,323 | 21,537 | 75% | 322 |
| TOTAL ALL EXPENSES: | 96,860 | 5,867 | 64,480 | 32,379 | 67% | 8,164 |
| NET INCOME (LOSS): | (96,860) | (5,867) | (64,480) | (32,379) | 67% | 8,164 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|-------------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| PUBLIC SERVICE PROGRAMS | | | | | | |
| REVENUE: | | | | | | |
| DONATIONS & GRANTS | 130,000 | - | 130,000 | - | 100% | 32,500 |
| TOTAL REVENUE: | 130,000 | - | 130,000 | - | 100% | 32,500 |
| DIRECT EXPENSES: | | | | | | |
| DONATIONS/SPONSORSHIPS/GRANTS | 292,309 | 24,649 | 170,355 | 121,954 | 58% | 48,877 |
| STAFF TRAVEL/PARKING | 500 | 36 | 213 | 287 | 43% | 162 |
| SURVEYS | 100 | - | - | 100 | 0% | 75 |
| PRO BONO & PUBLIC SERVICE COMMITTEE | 2,500 | - | 782 | 1,718 | 31% | 1,093 |
| PRO BONO CERTIFICATES | 2,000 | - | 75 | 1,925 | 4% | 1,425 |
| TOTAL DIRECT EXPENSES: | 297,409 | 24,685 | 171,425 | 125,984 | 58% | 51,631 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (1.62 FTE) | 128,379 | 9,520 | 87,594 | 40,785 | 68% | 8,690 |
| BENEFITS EXPENSE | 43,223 | 3,080 | 28,132 | 15,090 | 65% | 4,285 |
| OTHER INDIRECT EXPENSE | 47,728 | 2,271 | 33,420 | 14,308 | 70% | 2,376 |
| TOTAL INDIRECT EXPENSES: | 219,330 | 14,870 | 149,146 | 70,183 | 68% | 15,351 |
| TOTAL ALL EXPENSES: | 516,739 | 39,556 | 320,572 | 196,167 | 62% | 66,982 |
| NET INCOME (LOSS): | (386,739) | (39,556) | (190,572) | (196,167) | 49% | 99,482 |

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2024 to June 30, 2024
75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|--|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| PUBLICATION & DESIGN SERVICES | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| SUBSCRIPTIONS | 200 | - | 88 | 112 | 44% | 62 |
| IMAGE LIBRARY | 4,100 | - | 4,752 | (652) | 116% | (1,677) |
| TOTAL DIRECT EXPENSES: | 4,300 | - | 4,840 | (540) | 113% | (1,615) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.89 FTE) | 72,960 | 6,115 | 55,321 | 17,639 | 76% | (601) |
| BENEFITS EXPENSE | 23,139 | 1,917 | 16,819 | 6,321 | 73% | 536 |
| OTHER INDIRECT EXPENSE | 26,221 | 1,257 | 18,501 | 7,721 | 71% | 1,165 |
| TOTAL INDIRECT EXPENSES: | 122,320 | 9,289 | 90,640 | 31,680 | 74% | 1,100 |
| TOTAL ALL EXPENSES: | 126,620 | 9,289 | 95,480 | 31,140 | 75% | (515) |
| NET INCOME (LOSS): | (126,620) | (9,289) | (95,480) | (31,140) | 75% | (515) |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|------------------|----------------------|---------------------|---|
| REGULATORY SERVICES FTE | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| STAFF MEMBERSHIP DUES | 350 | - | 350 | - | 100% | (88) |
| STAFF CONFERENCE & TRAINING ** | 7,500 | 830 | 5,913 | 1,587 | 79% | (288) |
| STAFF TRAVEL/PARKING | 650 | - | 258 | 392 | 40% | 230 |
| TOTAL DIRECT EXPENSES: | 8,500 | 830 | 6,521 | 1,979 | 77% | (58) |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (2.60 FTE) | 357,120 | 29,491 | 266,873 | 90,247 | 75% | 967 |
| BENEFITS EXPENSE | 105,529 | 8,528 | 76,808 | 28,721 | 73% | 2,339 |
| OTHER INDIRECT EXPENSE | 76,601 | 3,650 | 53,711 | 22,889 | 70% | 3,739 |
| TOTAL INDIRECT EXPENSES: | 539,250 | 41,668 | 397,392 | 141,858 | 74% | 7,045 |
| TOTAL ALL EXPENSES: | 547,750 | 42,498 | 403,913 | 143,837 | 74% | 6,987 |
| NET INCOME (LOSS): | (547,750) | (42,498) | (403,913) | (143,837) | 74% | 6,900 |

**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 June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | 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 | 1,782 | 594 | 75% | - |
| STAFF CONFERENCE & TRAINING | 2,184 | - | - | 2,184 | 0% | 1,638 |
| TOTAL DIRECT EXPENSES: | 4,560 | 198 | 1,782 | 2,778 | 39% | 1,638 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (5.78 FTE) | 394,527 | 32,047 | 302,301 | 92,226 | 77% | (6,406) |
| BENEFITS EXPENSE | 160,136 | 13,070 | 116,993 | 43,143 | 73% | 3,109 |
| OTHER INDIRECT EXPENSE | 170,289 | 8,110 | 119,358 | 50,931 | 70% | 8,359 |
| TOTAL INDIRECT EXPENSES: | 724,952 | 53,227 | 538,652 | 186,300 | 74% | 5,062 |
| TOTAL ALL EXPENSES: | 729,512 | 53,425 | 540,434 | 189,078 | 74% | 6,700 |
| NET INCOME (LOSS): | (729,512) | (53,425) | (540,434) | (189,078) | 74% | 6,700 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| SECTIONS ADMINISTRATION | | | | | | |
| REVENUE: | | | | | | |
| REIMBURSEMENTS FROM SECTIONS | 297,786 | 1,236 | 364,230 | (66,444) | 122% | 140,890 |
| TOTAL REVENUE: | 297,786 | 1,236 | 364,230 | (66,444) | 122% | 140,890 |
| DIRECT EXPENSES: | | | | | | |
| STAFF TRAVEL/PARKING | 1,000 | - | 59 | 941 | 6% | 691 |
| SUBSCRIPTIONS | 350 | - | - | 350 | 0% | 263 |
| SECTION/COMMITTEE CHAIR MTGS | 1,000 | - | 80 | 920 | 8% | 670 |
| STAFF CONFERENCE & TRAINING | 500 | - | - | 500 | 0% | 375 |
| STAFF MEMBERSHIP DUES | 200 | - | - | 200 | 0% | 150 |
| TOTAL DIRECT EXPENSES: | 3,050 | - | 139 | 2,911 | 5% | 2,149 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (2.58 FTE) | 159,053 | 13,207 | 119,301 | 39,752 | 75% | (12) |
| BENEFITS EXPENSE | 65,223 | 6,692 | 47,900 | 17,323 | 73% | 1,017 |
| OTHER INDIRECT EXPENSE | 76,011 | 3,629 | 53,413 | 22,599 | 70% | 3,596 |
| TOTAL INDIRECT EXPENSES: | 300,288 | 23,528 | 220,615 | 79,673 | 73% | 4,601 |
| TOTAL ALL EXPENSES: | 303,338 | 23,528 | 220,753 | 82,584 | 73% | 6,750 |
| NET INCOME (LOSS): | (5,552) | (22,292) | 143,476 | (149,028) | -2584% | 147,640 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---|---------------------------|--------------------|-----------------|----------------------|---------------------|---|
| SECTIONS OPERATIONS | | | | | | |
| REVENUE: | | | | | | |
| SECTION DUES | 438,431 | 2,020 | 562,181 | (123,749) | 128% | 233,357 |
| SEMINAR PROFIT SHARE | 153,875 | 21,798 | 23,241 | 130,634 | 15% | (92,166) |
| INTEREST INCOME | 17,147 | - | - | 17,147 | 0% | (12,860) |
| PUBLICATIONS REVENUE | 1,500 | - | 972 | 528 | 65% | (153) |
| OTHER | 78,010 | 4,344 | 35,945 | 42,065 | 46% | (22,562) |
| TOTAL REVENUE: | 688,964 | 28,161 | 622,339 | 66,625 | 90% | 105,616 |
| DIRECT EXPENSES: | | | | | | |
| DIRECT EXPENSES OF SECTION ACTIVITIES | 733,096 | 47,027 | 230,027 | 503,069 | 31% | 319,795 |
| REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES | 284,470 | 1,236 | 364,192 | (79,722) | 128% | (150,840) |
| TOTAL DIRECT EXPENSES: | 1,017,566 | 48,263 | 594,220 | 423,347 | 58% | 168,955 |
| NET INCOME (LOSS): | (328,603) | (20,101.44) | 28,119 | (356,722) | -9% | 274,571 |

Washington State Bar Association

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For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|----------------------------------|-----------------------------------|--------------------------|-------------------------|------------------------------|-----------------------------|--|
| TECHNOLOGY | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| CONSULTING SERVICES | 165,000 | 3,560 | 44,592 | 120,408 | 27% | 79,158 |
| STAFF TRAVEL/PARKING | 1,000 | 36 | 624 | 376 | 62% | 126 |
| STAFF MEMBERSHIP DUES | 200 | - | - | 200 | 0% | 150 |
| TELEPHONE | 95,000 | 6,744 | 61,447 | 33,553 | 65% | 9,803 |
| COMPUTER HARDWARE | 66,200 | 4,364 | 48,959 | 17,241 | 74% | 691 |
| COMPUTER SOFTWARE | 330,000 | 1,964 | 258,134 | 71,866 | 78% | (10,634) |
| HARDWARE SERVICE & WARRANTIES | 50,000 | - | 28,535 | 21,465 | 57% | 8,965 |
| SOFTWARE MAINTENANCE & LICENSING | 380,000 | 3,979 | 321,098 | 58,902 | 84% | (36,098) |
| THIRD PARTY SERVICES ** | 10,000 | 246 | 35,746 | (25,746) | 357% | (28,246) |
| CLOUD INFRASTRUCTURE | 82,000 | 3,030 | 30,121 | 51,879 | 37% | 31,379 |
| STAFF CONFERENCE & TRAINING | 6,000 | - | 823 | 5,177 | 14% | 3,677 |
| TRANSFER TO INDIRECT EXPENSES | (1,185,400) | (23,922) | (830,080) | (355,320) | 70% | (58,970) |
| TOTAL DIRECT EXPENSES: | - | - | - | - | | - |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (13.00 FTE) ** | 1,434,388 | 119,535 | 1,077,102 | 357,286 | 75% | (1,311) |
| BENEFITS EXPENSE | 480,054 | 34,376 | 327,500 | 152,554 | 68% | 32,540 |
| CAPITAL LABOR & OVERHEAD | (210,000) | (3,408) | (67,990) | (142,010) | 32% | 89,510 |
| OTHER INDIRECT EXPENSE | 383,003 | 18,247 | 268,556 | 114,447 | 70% | 18,696 |
| TOTAL INDIRECT EXPENSES: | 2,087,445 | 168,751 | 1,605,168 | 482,276 | 77% | 139,436 |
| TOTAL ALL EXPENSES: | 2,087,445 | 168,751 | 1,605,168 | 482,276 | 77% | 139,436 |
| NET INCOME (LOSS): | (2,087,445) | (168,751) | (1,605,168) | (482,276) | 77% | (39,585) |

**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 June 1, 2024 to June 30, 2024
75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---------------------------------|---------------------------|------------------|-----------------|----------------------|---------------------|---|
| VOLUNTEER ENGAGEMENT | | | | | | |
| REVENUE: | | | | | | |
| TOTAL REVENUE: | - | - | - | - | | - |
| DIRECT EXPENSES: | | | | | | |
| POSTAGE | - | - | 571 | (571) | | (571) |
| STAFF MEMBERSHIP DUES | 450 | - | 300 | 150 | 67% | 38 |
| STAFF CONFERENCE & TRAINING | 2,600 | - | 1,749 | 851 | 67% | 201 |
| SUBSCRIPTIONS | 750 | - | 815 | (65) | 109% | (252) |
| ABA DELEGATES | 14,000 | - | 7,487 | 6,513 | 53% | 3,013 |
| TOTAL DIRECT EXPENSES: | 17,800 | - | 10,923 | 6,877 | 61% | 2,427 |
| INDIRECT EXPENSES: | | | | | | |
| SALARY EXPENSE (0.60 FTE) | 60,485 | 5,046 | 45,709 | 14,776 | 76% | (345) |
| BENEFITS EXPENSE | 21,371 | 1,789 | 15,632 | 5,739 | 73% | 396 |
| OTHER INDIRECT EXPENSE | 17,677 | 852 | 12,533 | 5,145 | 71% | 725 |
| TOTAL INDIRECT EXPENSES: | 99,534 | 7,687 | 73,874 | 25,660 | 74% | 776 |
| TOTAL ALL EXPENSES: | 117,334 | 7,687 | 84,797 | 32,537 | 72% | 776 |
| NET INCOME (LOSS): | (117,334) | (7,687) | (84,797) | (32,537) | 72% | 3,204 |

Washington State Bar Association
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For the Period from June 1, 2024 to June 30, 2024
75% OF YEAR COMPLETE

| | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE | % USED OF BUDGET | YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE) |
|---|---------------------------|------------------|-------------------|----------------------|---------------------|---|
| INDIRECT EXPENSES: | | | | | | |
| SALARIES | 13,743,352 | 1,092,184 | 9,994,372 | 3,748,981 | 73% | 313,143 |
| TEMPORARY SALARIES | 296,112 | 66,243 | 341,525 | (45,413) | 115% | (119,441) |
| CAPITAL LABOR & OVERHEAD | (210,000) | (3,408) | (67,990) | (142,010) | 32% | (89,510) |
| ALLOWANCE FOR OPEN POSITIONS | (200,000) | - | - | (200,000) | 0% | (150,000) |
| INSURANCE REBATE | (4,060) | - | - | (4,060) | 0% | (3,045) |
| EMPLOYEE ASSISTANCE PLAN | 4,800 | - | 3,600 | 1,200 | 75% | - |
| EMPLOYEE SERVICE AWARDS | 1,680 | 60 | 1,300 | 380 | 77% | (40) |
| FICA (EMPLOYER PORTION) | 1,027,685 | 83,907 | 739,250 | 288,436 | 72% | 31,514 |
| L&I INSURANCE | 73,611 | 14,934 | 44,493 | 29,119 | 60% | 10,716 |
| WA STATE FAMILY MEDICAL LEAVE (F | 29,686 | 2,371 | 21,074 | 8,611 | 71% | 1,190 |
| MEDICAL (EMPLOYER PORTION) | 1,944,108 | 155,344 | 1,396,756 | 547,352 | 72% | 61,325 |
| RETIREMENT (EMPLOYER PORTION) | 1,292,648 | 103,460 | 933,614 | 359,035 | 72% | 35,873 |
| TRANSPORTATION ALLOWANCE | 34,000 | 328 | 27,936 | 6,064 | 82% | (2,436) |
| UNEMPLOYMENT INSURANCE | 82,748 | 6,118 | 52,219 | 30,529 | 63% | 9,842 |
| TOTAL SALARY & BENEFITS EXPENS | 18,116,370 | 1,521,542 | 13,488,148 | 4,628,223 | 74% | 99,130 |
| WORKPLACE BENEFITS | 52,710 | 968 | 28,003 | 24,707 | 53% | 11,530 |
| HUMAN RESOURCES POOLED EXP | 77,112 | 5,541 | 48,158 | 28,954 | 62% | 9,676 |
| MEETING SUPPORT EXPENSES | 7,500 | 662 | 5,271 | 2,229 | 70% | 354 |
| RENT | 1,753,325 | 91,899 | 1,430,833 | 322,492 | 82% | (115,840) |
| MOVE / DOWNSIZE EXPENSES | 98,400 | 24,254 | 47,449 | 50,951 | 48% | 26,351 |
| PERSONAL PROP TAXES-WSBA | 6,650 | 541 | 4,572 | 2,078 | 69% | 415 |
| FURNITURE, MAINT, LH IMP | 73,832 | 6,618 | 23,569 | 50,263 | 32% | 31,805 |
| OFFICE SUPPLIES & EQUIPMENT | 22,564 | 378 | 13,125 | 9,439 | 58% | 3,798 |
| FURN & OFFICE EQUIP DEPRECIATION | 111,192 | 9,718 | 87,451 | 23,742 | 79% | (4,057) |
| COMPUTER HARDWARE DEPRECIATIO | 49,926 | 3,191 | 29,739 | 20,187 | 60% | 7,706 |
| COMPUTER SOFTWARE DEPRECIATION | 71,787 | 2,201 | 33,531 | 38,256 | 47% | 20,309 |
| INSURANCE | 272,643 | 22,232 | 200,089 | 72,554 | 73% | 4,394 |
| WORK HOME FURNITURE & EQUIP | 14,000 | 665 | 2,731 | 11,269 | 20% | 7,769 |
| PROFESSIONAL FEES-AUDIT | 35,000 | - | 38,400 | (3,400) | 110% | (12,150) |
| PROFESSIONAL FEES-LEGAL | 200,000 | 4,133 | 43,977 | 156,023 | 22% | 106,023 |
| ONLINE LEGAL RESEARCH | 24,359 | 1,841 | 20,624 | 3,735 | 85% | (2,355) |
| ACCOMODATIONS FUND | 6,500 | - | - | 6,500 | 0% | 4,875 |
| TRANSLATION SERVICES | 12,000 | 316 | 4,985 | 7,015 | 42% | 4,015 |
| TELEPHONE & INTERNET | 33,000 | 2,670 | 24,080 | 8,920 | 73% | 670 |
| POSTAGE - GENERAL | 18,300 | 337 | 7,065 | 11,235 | 39% | 6,660 |
| RECORDS STORAGE | 68,531 | - | 30,000 | 38,531 | 44% | 21,399 |
| BANK FEES | 50,000 | 710 | 21,367 | 28,633 | 43% | 16,133 |
| PRODUCTION MAINTENANCE & SUPPL | 12,500 | (46) | 8,860 | 3,640 | 71% | 515 |
| COMPUTER POOLED EXPENSES | 1,185,400 | 23,922 | 830,080 | 355,320 | 70% | 58,970 |
| TOTAL OTHER INDIRECT EXPENSES: | 4,257,231 | 202,750 | 2,983,959 | 1,273,272 | 70% | 208,964 |
| TOTAL INDIRECT EXPENSES: | 22,373,601 | 1,724,292 | 16,472,107 | 5,901,494 | 74% | 308,094 |

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2024 to June 30, 2024

75% OF YEAR COMPLETE

| SUMMARY PAGE | FISCAL 2024 REFORECAST | CURRENT MONTH | YEAR TO DATE | REMAINING BALANCE |
|-------------------------------------|---------------------------|--------------------|---------------------|----------------------|
| ACCESS TO JUSTICE | (340,821) | (22,331) | (207,840) | (132,980) |
| ADMISSIONS/BAR EXAM | (41,106) | (39,785) | 348,642 | (389,747) |
| ADVANCEMENT FTE | (377,799) | (29,381) | (279,986) | (97,813) |
| BAR NEWS | (103,039) | (8,218) | (87,579) | (15,459) |
| BOARD OF GOVERNORS | (572,479) | (15,315) | (304,969) | (267,509) |
| CLE - PRODUCTS | 670,916 | 17,082 | 651,744 | 19,172 |
| CLE - SEMINARS | (411,617) | (33,962) | (236,040) | (175,577) |
| CLIENT PROTECTION FUND | 22,516 | 17,865 | 610,522 | (588,007) |
| CHARACTER & FITNESS BOARD | (179,219) | (10,792) | (112,073) | (67,146) |
| COMMUNICATIONS | (822,014) | (89,819) | (528,620) | (293,393) |
| COMMUNICATIONS FTE | (247,980) | (19,838) | (186,023) | (61,957) |
| DESKBOOKS | (146,266) | (13,036) | (132,871) | (13,395) |
| DISCIPLINE | (6,110,667) | (469,512) | (4,490,734) | (1,619,932) |
| DIVERSITY | (345,037) | (26,117) | (87,911) | (257,125) |
| FINANCE | (503,709) | 5,426 | (48,563) | (455,146) |
| FOUNDATION | (180,078) | (13,623) | (130,995) | (49,084) |
| HUMAN RESOURCES | (625,154) | (84,462) | (552,512) | (72,642) |
| LAW CLERK PROGRAM | 19,293 | (10,959) | 65,569 | (46,276) |
| LEGISLATIVE | (281,375) | (22,819) | (205,368) | (76,006) |
| LEGAL LUNCHBOX | (26,930) | (2,955) | (10,346) | (16,583) |
| LICENSE FEES | 17,320,499 | 1,403,341 | 12,897,381 | 4,423,118 |
| LICENSING AND MEMBERSHIP | (246,271) | (23,659) | (103,002) | (143,269) |
| LIMITED LICENSE LEGAL TECHNICIAN | (74,658) | (5,028) | (47,856) | (26,802) |
| LIMITED PRACTICE OFFICERS | 65,296 | 4,028 | 49,836 | 15,459 |
| MANDATORY CLE ADMINISTRATION | 190,171 | 19,548 | 502,376 | (312,205) |
| MEMBER WELLNESS PROGRAM | (232,993) | (18,758) | (169,364) | (63,629) |
| MINI CLE | (116,330) | (8,798) | (85,609) | (30,721) |
| MEMBER SERVICES & ENGAGEMENT | (381,385) | (41,829) | (225,141) | (156,244) |
| NEW MEMBER EDUCATION | (40,828) | (4,274) | 48,201 | (89,028) |
| OFFICE OF GENERAL COUNSEL | (1,108,971) | (80,001) | (777,553) | (331,418) |
| OFFICE OF THE EXECUTIVE DIRECTOR | (817,472) | (62,173) | (639,322) | (178,150) |
| OGC-DISCIPLINARY BOARD | (303,120) | (25,583) | (263,958) | (39,161) |
| PRACTICE OF LAW BOARD | (96,860) | (5,867) | (64,480) | (32,379) |
| PRACTICE MANAGEMENT ASSISTANCE | (150,723) | (9,998) | (134,184) | (16,539) |
| PROFESSIONAL RESPONSIBILITY PROGRAM | (237,403) | (18,835) | (176,702) | (60,700) |
| PUBLIC SERVICE PROGRAMS | (386,739) | (39,556) | (190,572) | (196,167) |
| PUBLICATION & DESIGN SERVICES | (126,620) | (9,289) | (95,480) | (31,140) |
| REGULATORY SERVICES FTE | (547,750) | (42,498) | (403,913) | (143,837) |
| SECTIONS ADMINISTRATION | (5,552) | (22,292) | 143,476 | (149,028) |
| SECTIONS OPERATIONS | (328,603) | (20,101) | 28,119 | (356,722) |
| SERVICE CENTER | (729,512) | (53,425) | (540,434) | (189,078) |
| TECHNOLOGY | (2,087,445) | (168,751) | (1,605,168) | (482,276) |
| VOLUNTEER EDUCATION | (117,334) | (7,687) | (84,797) | (32,537) |
| INDIRECT EXPENSES | 22,373,601 | 1,724,292 | 16,472,107 | 5,901,494 |
| TOTAL OF ALL | (21,210,440) | (1,610,256) | (18,608,005) | (2,602,434) |
| NET INCOME (LOSS) | (1,163,162) | (114,035) | 2,135,898 | (3,299,060) |

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

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

- 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.]

2024-2025 WSBA BOARD OF GOVERNORS MEETING SCHEDULE

| MEETING DATE | LOCATION | DESCRIPTION | EXECUTIVE COMMITTEE MEETING | MATERIALS DEADLINE |
|-------------------------------------|--|--|-----------------------------|--------------------|
| October 18-19, 2024 | Semiahmoo Resort Blaine, WA | Team Building Retreat | | n/a |
| November 7-8, 2024 | WSBA Conference Center Seattle, WA | BOG Meeting | October 16, 2024 | October 8, 2024 |
| January 17-18, 2025 | WSBA Conference Center Seattle, WA | BOG Meeting KCBA MLK Luncheon Jan. 17 | December 18, 2024 | December 10, 2024 |
| March 21-22, 2025 | Great Wolf Lodge Conference Center Grand Mound, WA | BOG Meeting | February 26, 2025 | February 18, 2025 |
| May 2-3, 2025 | Red Lion Hotel Port Angeles Harbor Port Angeles, WA | BOG Meeting | April 16, 2025 | April 8, 2025 |
| July 17 - 18, 2025 July 19, 2025 | The Marcus Whitman Hotel and Conference Center Walla Walla, WA | BOG Meeting BOG Planning Retreat | June 25, 2025 | June 17, 2025 |
| September 26-27, 2025 | WSBA Offices Seattle, WA | BOG Meeting | September 3, 2025 | August 26, 2025 |

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.

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.



Discussion Protocols Board of Governors Meetings

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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



BOARD OF GOVERNORS

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- Open exchanges of information



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 spirit 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 spirit 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

Anthony David Gipe
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❖ Work Hard and Have Fun Doing It

TO: Board of Governors
FROM: Terra Nevitt, Executive Director
Paris Eriksen, Volunteer Engagement Advisor
DATE: August 30, 2024
RE: WSBA Board of Governors Congressional District 5 Interview & Selection Process

ACTION: Elect the Congressional District 5 Governor for a three-year term.

The WSBA received one applicant submission for the Congressional District 5 Governor position on the WSBA Board of Governors; **Emily K. Arneson**, whose candidate materials follow this memo.

Interview Process:

The candidate interview will take place the Saturday, September 7. 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. District 5

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 vote. After the interview, 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 will be the Executive Director. Results will be announced immediately following the election.

Background:

In February 2024, District 5 Governor Francis Adewale was elected for another term as the district 5 Governor. Following this election, Governor Adewale was then elected by the Board of Governors to serve as the 2024-2025 President-elect. To focus on the responsibilities of President-elect, Governor Adewale has resigned his District 5 position which was set to begin at the conclusion of the September 2024 meeting. The district 5 position was advertised accordingly with a deadline of August 29, 2024.

Relevant WSBA Bylaws:

IV.4.b(2)

If a vacancy occurs due to resignation, death or removal of a Governor by the BOG, and more than 12 months

remain in the Governor's term, the BOG must elect a candidate eligible for that position to serve as Governor until the next regularly scheduled election for that Governor position.

Attachments:

Pool of Interview Questions

Emily K. Arneson, candidate materials

WASHINGTON STATE BAR ASSOCIATION

Pool of Interview Questions for Congressional District 5 Candidates

August 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?

EMILY K. ARNESON
(509) 939-6964 • [REDACTED]

August 29, 2024

Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539
barleaders@wsba.org

Re: Board of Governors - District 5 Representative

Dear Bar Leadership:

For the past five years, I have had the honor of serving on the Board of the Spokane County Bar Association (SCBA), most recently as its President. In just a few days, my term as President will come to a close. I cannot think of a better way to use the knowledge, connections, and experience I've gained serving this county than to represent Eastern Washington at the state bar level. Please consider this letter my expression of interest in joining the WSBA Board of Governors as the District 5 representative.

As you will see from my attached resume, I have significant experience serving on boards and committees devoted to a number of causes. I have worked in multiple private firms, as well as several public agencies. This background will allow me to provide valuable perspective to the Board of Governors, while leveraging strong local connections for information gathering and effective communication.

The needs of the legal community in Eastern Washington region are unique, and require a strong voice at the state level. I have served the Spokane legal community for many years through leadership positions on various boards, including the SCBA and Volunteer Lawyers Program, the Spokane Young Lawyers Division, and the local chapter of Washington Women Lawyers. Over the course of my career, I have developed a broad understanding of the issues and concerns on the minds of my colleagues in this region. The practice of law is changing due to generational turnover, rapid technological advancements, and increased partisanship and divisiveness on a national scale. The WSBA must be proactive in identifying and addressing these changes. As we navigate uncharted waters, I will be a strong advocate for Eastern Washington's interests.

My reasons for seeking this position are many, but I am particularly interested in diversity and inclusion initiatives, artificial intelligence, and attorney wellbeing:

- I support and would love to play a part in advancing the great work already in progress at the WSBA to promote diversity, belonging, and inclusion, both within the legal profession and in other areas affecting access to justice.
- In addition, we find ourselves at a critical moment with respect to the increasing availability of machine learning and generative artificial intelligence. Whether these resources will be leveraged to equitably benefit all populations is not a foregone

conclusion. WSBA members and the public at large need strong leadership in influencing how, when, and by whom artificial intelligence may be used in the practice of law. While I am not an expert in this area, I do have experience in privacy law and a keen interest in this topic.

- Last, but certainly not least, it's been public knowledge for many years that the stresses involved in a legal career often result in attorneys experiencing mental and physical illness, substance abuse, and dissatisfaction within the profession. I was recently appointed to the Member Wellbeing Task Force created by this Board several months ago, and I am chairing the Member Survey Workgroup. While the data concerning attorney wellbeing is dire, this Task Force has already done tremendous work in identifying areas of concern and potential outreach opportunities. I leave every meeting feeling energized and optimistic about the impact this work will have on our members.

I am honored to report that I have the support of many local bar leaders and former members of the WSBA Board of Governors. Attached to this letter is a list of individuals who have given me permission to include their names as an endorsement of my candidacy for this position.

Should you have any questions, please don't hesitate to contact me.

Sincerely,

Emily K. Arneson

Cc: Francis Adewale

List of Endorsements:

- Angela Hayes, former District 5 Governor
- PJ Grabicki, former District 5 Governor
- Nancy Isserlis, former District 5 Governor
- Darren Digiacinto, SCBA President-Elect
- Nick Pontarolo, SCBA Secretary
- Lisa Dickinson, SCBA Treasurer
- April Anderson, former SCBA President
- Jenae Ball, former SCBA President
- Deanna Willman, SCBA Trustee
- Megan Livres, SCBA Trustee
- Joanna Puryear, SCBA Trustee
- Catherine Kardong, former SCBA Trustee
- Shaun Greer, former SCBA Trustee
- Justin Bingham, Spokane City Prosecutor, Chair of WSBA Member Wellbeing Task Force

Available to Provide a Reference:

- Hon. Shelley Szambelan, Spokane County Superior Court Judge

EMILY ARNESON JD, MPA

PRIVACY ATTORNEY AND RISK MANAGEMENT PROFESSIONAL

CONTACT

██████████ ██████████ ██████████
██
(509) 939-6964

██

EDUCATION

MASTER OF PUBLIC
ADMINISTRATION • 2022
Eastern Washington University
Cheney, WA

JURIS DOCTOR • 2009
University of Washington
School of Law
Seattle, WA

BACHELOR OF ARTS IN
SOCIOLOGY • 2006
Whitman College
Walla Walla, WA

LICENSES & CERTIFICATIONS

Law license, Washington State
Law license, Idaho (inactive)
Certified Information Privacy
Manager (CIPM), IAPP
Certified Information Privacy
Practitioner (CIPP/US), IAPP
Certified Public Records Officer,
WAPRO
Certified in Cybersecurity (CC),
ISC2

KEY SKILLS

- Risk management and regulatory compliance at state and local agencies
- Information governance, records retention, and public records
- Data privacy, including program management and data sharing agreements
- Mediation and stakeholder collaboration
- Drafting and implementing policies and procedures, including training
- Cybersecurity legal compliance and policy integration
- Comprehensive and practical legislative analysis

EXPERIENCE

TECHNOLOGY PROCUREMENT AND DATA PRIVACY

OFFICER • NOVEMBER 2023 – SEPTEMBER 2024

Eastern Washington University • Cheney, WA

- Directing the university's information privacy program, including developing policy and procedures, addressing data breaches, negotiating data sharing agreements, and promoting industry best practices;
- Exceeding compliance goals and mitigating privacy risks in coordination with cybersecurity and information technology team;
- Serving as university's subject matter expert in FERPA, HIPAA, GDPR, and state data breach notification laws;
- Managing procurement of all of the university's information technology by directing competitive solicitations, negotiating agreements, addressing contract issues, and monitoring vendor compliance;
- Supporting institutional stakeholders through review of contracts and agreements for grants, research, data sharing, and intellectual property.

PRIVACY OFFICER • JUNE 2022 – OCTOBER 2023

Washington State Department of Corrections • Olympia, WA

- Establishing and implementing an agency-wide privacy program applicable to the personal information of more than 25,000 incarcerated and supervised individuals and over 8,000 employees;
- Strategically planning projects and efforts to improve consistency of practice, interpretation, compliance, and adherence to applicable legal requirements and minimize risks and exposure to liability;
- Assessing privacy risk and advising senior leadership on proposed policies, data sharing agreements, public records requests, and emerging technologies;
- Directing agency responses to data breaches, in coordination with cybersecurity team, including mitigation of harm and notification of the data subject(s);
- Providing innovative and highly effective solutions for agency executive management in technically complex situations and in exceptionally sensitive legal and/or political circumstances.

HONORS & AWARDS

Special Presidential Commendation,
WSBA, 2021

Rising Stars, Spokane Journal of
Business, 2018

APEX Outstanding Young Lawyer
Award, WSBA, 2017

Top 20 Under 40 Awards, Inland
Business Catalyst Magazine, 2017

Public Service and Leadership Award,
Washington Young Lawyers
Committee, 2016

Chapter Member of the Year,
Washington Women Lawyers,
Spokane Chapter, 2016

LEADERSHIP ACTIVITIES

SPOKANE COUNTY BAR
ASSOCIATION • 2019 – PRESENT
Current President; Former Treasurer
and President of Young Lawyers
Division

WSBA MEMBER WELLBEING
TASK FORCE. • 2024 – PRESENT
Appointed Task Force Member

WHITMAN COLLEGE ALUMNI
ASSOC. • 2019 – PRESENT
Board Member

JUNIOR LEAGUE OF SPOKANE •
2013 – 2018
Board Member; Community Director;
Project Research & Development
Chair

EMERGING LEADERS SOCIETY,
SPOKANE COUNTY UNITED
WAY • 2016 – 2022
Board Member; Strategic Planning
Chair

WSBA LABOR & EMPLOYMENT
SECTION EXECUTIVE COMMITTEE
2015 – 2018 • Young Lawyer Liaison

WASHINGTON WOMEN
LAWYERS, SPOKANE CHAPTER
2013 – 2017 • President

OMBUDS AND ACCESSIBILITY OFFICER • JUNE 2017 – JUNE 2022

PUBLIC RECORDS OFFICER • JANUARY 2021 – JUNE 2022

Spokane Transit Authority • Spokane, WA

- Engaging with stakeholders to ensure inclusivity and accessibility of transit services and facilities, and serving as a mediator for disputes;
- Investigating reports of discrimination and harassment based on race, color, national origin, sexual orientation, gender expression, and disability;
- Serving as the agency's subject matter expert on civil rights, including compliance with the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, the Washington Law Against Discrimination, and other local, state, and federal laws;
- Managing all aspects of the public records request process, including:
 - Corresponding with requestors, collecting responsive records, redacting exempt information, constructing exemption log, and disclosing records;
 - Drafting and implementing the agency's official policy and procedure related to public records disclosure;
 - Advising executive leadership on legislative and case law changes and public records best practices;
- Evaluating program and agency performance using qualitative analysis and data comparisons in order to recommend quality/process improvements;
- Engaging in agency-wide evaluation of policies and procedures; adopting streamlined reformatting and revision of inactive and outdated documents;
- Actively participating in strategic planning related to capital investments, fare policy, anticipation of ballot measures, seeking of state and federal grants, and expansion and improvement of transit service.

ASSOCIATE ATTORNEY • JANUARY 2013 – JUNE 2017

Witherspoon Kelley, P.S. • Spokane, WA

- Counseling employer-clients on civil rights/EEO obligations, intellectual property rights, wage and hour issues, and management decisions such as hiring, reductions-in-force, and labor relations;
- Developing and leading employee trainings with respect to non-discrimination and anti-harassment;
- Litigating claims of employment discrimination, wrongful termination, breach of contract, and wage claims;
- Advising requesters and responding agencies with respect to the Public Records Act, and litigating public access cases and appeals;
- Advising clients on privacy rights under HIPAA, FERPA, and state law.

ASSOCIATE ATTORNEY • JULY 2010 – DECEMBER 2012

Morton McGoldrick, P.S. • Tacoma, WA

- Advocating for and protecting the rights of individuals with disabilities through responsible and inclusive substituted decision-making and guardianship proceedings;
- Drafting basic and complex estate plans;
- Providing general counsel to tax-exempt charitable entities, including maintenance of tax-exempt status, transfers of real estate, and bylaw revision.

JUDICIAL EXTERN • JUNE 2007 – AUGUST 2007

U.S. District Court, Eastern District of Washington • Spokane, WA

- Preparing bench memoranda and research on habeas corpus, sentencing recommendations, pretrial conferences, motions to suppress, and civil matters.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Congressional District 5 - Application Form

All Application materials must be received by 5 p.m. PST on Thursday, August 29, 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, August 29, 2024.
5. Email the signed form and materials to barleaders@wsba.org. Applications must be received by 5 p.m. PST on Thursday, August 29, 2024. Late materials will not be accepted.

| Applicant Information | |
|-----------------------|---------------------|
| Name | Emily Kelly Arneson |
| WSBA Bar # | 42749 |
| Email Address | [REDACTED] |
| Phone Number | (509) 939-6964 |

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 Congressional District 5.

Emily Arneson

42749

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 LGBTQ 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 August 29, 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.

DICKINSON LAW FIRM, PLLC

**1020 N Washington St. Ste. 3
Spokane WA 99201**

Phone: (509) 326-0636

LISA J. DICKINSON*

* Admitted in Washington and Idaho

lisa@dickinsonlawfirm.com

August 23, 2024

WSBA Board of Governors

Sent via electronic mail only to expedite delivery to: barleaders@wsba.org

RE: WSBA District 5 Seat – Emily Arneson

Dear Governors:

I am writing to recommend Emily Arneson as the District 5 Representative to fill Francis Adewale's vacancy. I have known Emily throughout most of her legal career since she was a young lawyer in Spokane.

I have more recently worked with Ms. Arneson as I served on the Spokane County Bar Association and Spokane County Bar Association Volunteer Lawyers' Program Board under her leadership as President of both organizations. I served as a trustee and treasurer during her terms on the Board. She led us through some turbulent times with our finances and other issues that arose, and dealt with some difficult situations with calmness and grace. As you all know, WSBA sometimes faces some difficult issues and I believe she will be able to navigate these things without a hitch.

I absolutely think that she would be an excellent candidate for this position as I also have worked closely with WSBA BOG members and have volunteered in various capacities for WSBA for many years. She would be a delight to add to your Board, and we would selfishly welcome her as our liaison to the Spokane County Bar Association Board as well, as we have a BOG Liaison position on our Board for the District 5 Representative. Please do not hesitate to contact me with any questions about her candidacy.

Very truly yours,



LISA J. DICKINSON

LJD/bm

C:\Documents and Settings\Lisa\My Documents\ltr.doc

From: [Darren M. Digiacinto](#)
To: [Bar Leaders](#)
Cc: [Janel L. Martindale](#)
Subject: [External]Statement of Support for BOG District 5 - Emily Arneson
Date: Saturday, August 24, 2024 8:37:35 AM
Attachments: [image001.png](#)

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To the BOG:

It is my pleasure to write in support of the appointment of Emily Arneson to serve as the District 5 Governor, representing the unique interests of practitioners on the east side of the State. I have known Emily for many years, primarily through the Spokane County Bar Association (SCBA) and its Board of Trustees, along with the Spokane County Volunteer Lawyers Program. Most recently, I have had worked as the President Elect supporting Emily's year as President of the SCBA and the VLP. As I transition into the President role starting September 1st, I bring with me a wealth of knowledge and inspiration that I have largely learned and gleaned from working with Emily to support both organizations. I have observed Emily lead our Trustees and leadership team in the normal course of overseeing the two entities and I have also been there with her when she and our team were required to respond in times of crisis, including the unexpected turnover of an executive director. She does not run from conflict or challenge, but instead offers her insight into seeking resolutions and options to keep the mission of the organizations moving forward. Emily has been involved in the SCBA for many years, including active involvement with the Young Lawyers Division prior to moving onto the Board of Trustees. She is very familiar with the east side's challenges and goals and would offer a voice on behalf of the same in her role as the District 5 Governor. I am confident in saying this because I have watched her continually include and value the updates and feedback from our current District 5 Governor, Francis Adewale. He has always been provided a forum with the SCBA and VLP leadership teams and based on Emily's inclusion of Mr. Adewale and his perspectives, our team feels more informed and engaged with what is happening at the State level, despite the miles between our geographic headquarters. Please accept this email as my support for Emily's appointment as the new District 5 Governor.

Best
Darren

Darren M. Digiacinto, Principal
Phone: (509) 838-6131 | **Fax:** (509) 838-1416 |
Email: dmd@winstoncashatt.com



Winston & Cashatt
— L A W Y E R S —
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From: [PJ Grabicki](#)
To: [Bar Leaders](#)
Cc: [REDACTED]
Subject: [External]Fifth District Governor to replace Francis
Date: Monday, August 26, 2024 10:28:45 AM

You don't often get email from pjg@randalldanskin.com. [Learn why this is important](#)

Ladies and Gentlemen

As you know, I served as Fifth District Governor prior to Francis' term. You will be selecting an individual to take over that seat at your September meeting, given that Francis has been elected President-Elect.

I write to all of you to strongly recommend Emily Arneson for that position. She has served tirelessly on the Spokane County Bar Association Board, including as President. She possesses all of the qualifications and attributes desired for the Governor position. She works extremely well with others, values collaboration, and has the energy and the desire.

I urge you to vote for her as our next Fifth District Governor.

PJ



Peter J. Grabicki

Randall | Danskin
A Professional Service Corporation
601 W. First Avenue, Ste. 800
Spokane, WA 99201
(509) 747-2052
(509) 624-2528 (fax)
www.randalldanskin.com

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From: [Angela Hayes](#)
To: [Bar Leaders](#)
Subject: [External]Emily Arneson - Letter of Support
Date: Tuesday, August 27, 2024 9:44:06 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

You don't often get email from ahayes@aiin.com. [Learn why this is important](#)

To the WSBA Governors and bar leaders:

It's with enthusiasm and pride that I reach out to you to support Emily Arneson for appointment to the Board of Governors to represent the 5th District. Emily has been an active member of the Eastern Washington legal community for many years, including service on the Spokane County Bar Association (most recently as president). I've worked alongside Emily in both legal practice and through community activities and have always found her to be incredibly smart, hardworking, thorough, thoughtful, and open-minded to the many different viewpoints and perspectives that are alive and well here in our Eastern Washington communities. Emily's broad practice scope (in both private practice and her more recent public-facing positions) make her ideally suited for representing the needs and concerns of legal professionals in all areas of practice.

Having served as the District 5 Governor from 2015-2018, I'm personally familiar with the time and attention it takes to serve in this position. I am confident that Emily's talents, personality, intelligence, and work ethic make her the perfect candidate to represent our region.

Thanks to each of you for your commitment and efforts in serving the legal professionals of our state. I am confident that Emily Arneson will be an excellent addition to your ranks.

Sincerely,

Angie Hayes



ASSOCIATED INDUSTRIES
trusted employer advisors

Angela Hayes
Chief Legal Counsel



✉ ahayes@aiin.com 🌐 aiin.com

2023 **BEST**
PLACES
TO **WORK** INW

WINNER

From: [Nancy L. Isserlis](#)
To: [Bar Leaders](#); [REDACTED]
Subject: [External]endorsement for Emily Arneson, 5th District
Date: Monday, August 26, 2024 10:20:53 AM

You don't often get email from nli@winstoncashatt.com. [Learn why this is important](#)

Dear WSBA Board of Governors:

With great enthusiasm and with respect for the WSBA and the work that the Board of Governors undertakes on behalf of its members, please accept this letter as my endorsement of Emily Arneson for 5th District Governor.

Emily has been involved in the Spokane County Bar Association, and most importantly, our Volunteer Lawyers Program. She is a highly respected member of our bar, and will represent our interests with grace and dedication. Francis will be a hard act to follow, but trust me, she will rise to the challenge.

Much aloha from a former BOG member. I'm glad to see that people like Emily continue to serve our profession.

Nancy Isserlis
Sent from my iPad.

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From: [Megan Livres](#)
To: [Bar Leaders](#)
Subject: [External]Letter of Recommendation re Emily Arneson, District 5
Date: Tuesday, August 27, 2024 1:29:08 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear WSBA Board of Governors,

I write to you today to offer my emphatic endorsement of Emily Arneson to be appointed as Congressional District 5's representative for the WSBA Board of Governors. I have served with Emily over the past year on the Spokane County Bar Association ("SCBA") Board of Directors and have seen firsthand what a tremendous leader she is. If appointed as the representative of District 5, Emily would undoubtedly be an asset to the WSBA Board of Governors and continue to be an exceptional servant and representative of this community.

Emily is thoughtful, intelligent, hard-working, and inclusive. She leads with passion and empathy, and as President of the SCBA Board, went above and beyond to fulfill her role. She is good-natured and wonderful to work with on any matter, ranging from the most mundane administrative task to the most serious, sensitive issue. Moreover, her experience over the last six years with the SCBA demonstrates her steadfast commitment to this community, and I know unequivocally that she would represent District 5 dutifully. In short, Emily is an exceptional person and leader, and I can imagine no better candidate to serve our district in this role.

Thank you for your consideration of Emily Arneson for the District 5 Governor seat, and please contact me if you have any questions or issues for follow up.

Sincerely,

Megan E. Livres

WSBA No. 52662

[REDACTED]

August 29, 2024

Via Email

Washington State Bar Association

Attn: WSBA Board of Governors Selection Committee

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539

Re: Emily Arneson for WSBA District 5 Governor

Dear WSBA Board of Governors Selection Committee,

I am writing to enthusiastically recommend Emily Arneson for the position of WSBA District 5 Governor. I have known Ms. Arneson for several years and have served with her on the Spokane County Bar Association Board of Trustees for the last two years. I am familiar with Ms. Arneson's professional background and achievements, and I am confident that she possesses the vision, leadership, diplomacy, and passion required to serve effectively on the WSBA Board of Governors.

Ms. Arneson's extensive experience in the legal field, particularly her role as Associate General Counsel at Gonzaga University, demonstrates her commitment to upholding the integrity of the legal profession. Her work in higher education law, involving complex legal issues and policy development, aligns perfectly with the Board's focus on policy, leadership, and strategy.

Throughout her career, Ms. Arneson has shown a dedication to public service and community engagement. Her involvement with various professional associations, including the National Association of College and the Spokane County Bar Association, showcases her ability to collaborate effectively with diverse groups of legal professionals. This experience will be invaluable in serving the public and WSBA members.

Ms. Arneson's background in municipal law, gained during her tenure as Assistant City Attorney for the City of Spokane, has equipped her with a deep understanding of local government operations and public policy. This knowledge will be crucial in championing justice and ensuring that the WSBA continues to meet the evolving needs of its members and the public.

August 29, 2024

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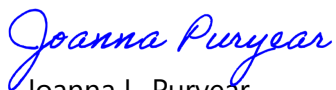
Her role as an Adjunct Professor at Gonzaga University School of Law further demonstrates Emily's commitment to legal education and mentorship. This experience will be particularly valuable in maintaining the high standards of the legal profession and fostering the next generation of legal professionals.

Ms. Arneson's diverse skill set, which includes contract drafting, policy development, and regulatory compliance, makes her well-suited to contribute to the oversight and strategic direction of the WSBA. Her ability to navigate complex legal landscapes while maintaining a focus on ethical considerations aligns perfectly with the WSBA's mission.

In conclusion, I believe Emily Arneson's professional experience, leadership qualities, and dedication to the legal profession make her an exceptional candidate for the WSBA District 5 Governor position. Her appointment would undoubtedly strengthen the Board and contribute significantly to the WSBA's mission of serving the public, ensuring the integrity of the legal profession, and championing justice.

Thank you for your consideration, and please reach out should you have any questions or concerns.

Sincerely,



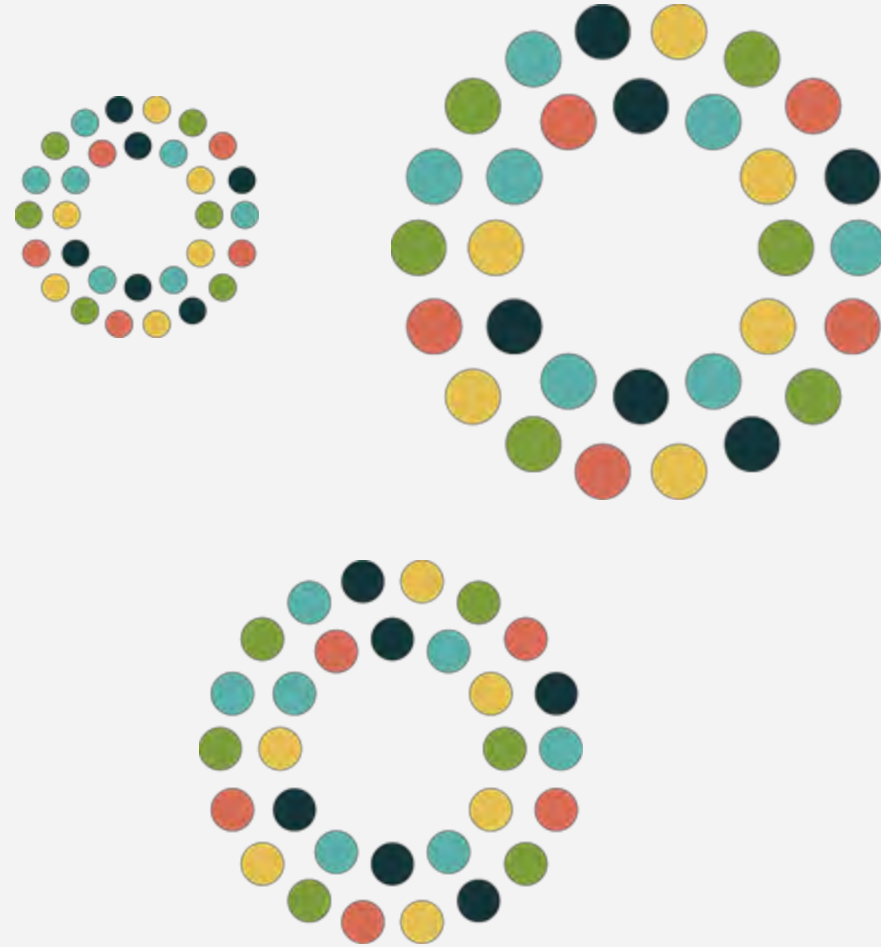
Joanna L. Puryear

Attorney at Law

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Member Demography, Identity + Impact

Overview of Findings of WSBA Membership



Methodological Overview

- Multi-phase, mixed-method custom primary research to establish current demographic and identity-based baselines, workplace types and assessments, experiences and beliefs among WSBA members.
- 3 Phases of Research, including:
 - Phase 1: Stakeholder meetings to collaboratively determine key research questions and directions for assessment and analysis
 - Phase 2: A 20-ish minute, custom research quantitative online member survey (n=1857)
 - Phase 3: Follow-up qualitative research (focus groups and in-depth interviews) with members from among 6 key identity groups (Black, LGBTQAI2+, Disabled, Asian*, Latino/a/e/X, Native/American Indian) to discuss key findings, their own experiences within the field, and their thoughts on what and how to move things forward

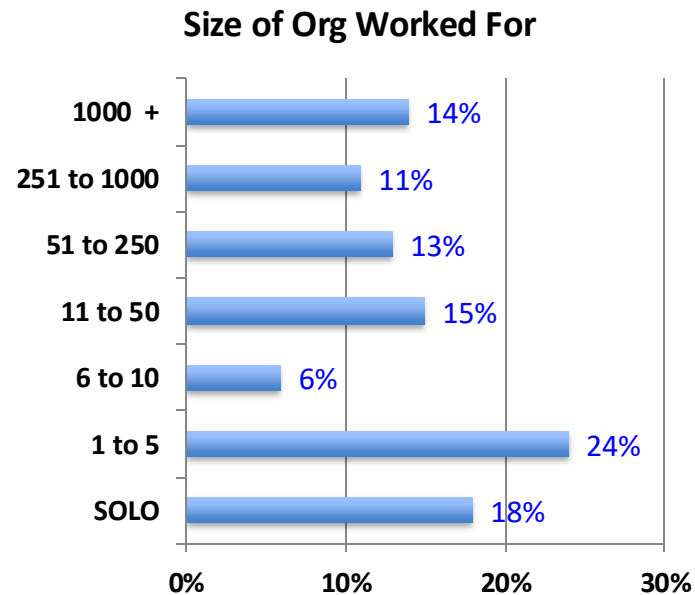
Methodological Overview: Survey Specifics

- Survey developed collaboratively, with feedback sought from WSBA, MBAs, stakeholders + others
 - Online, web-based, 19 mins (avg) programmed + fielded July → Oct 2023
 - Invitations sent to nearly 40,000 WSBA members who opted in to WSBA communications
 - All lists provided by WSBA directly to fielding vendor to maintain confidentiality per KGR+C policy and confidentiality warrants to respondents
 - Total Number of Completed Surveys (N) = **1857** (97% *Lawyers*, 1% *LLLT*, 2% *LPO*)
 - Invitation ‘failed to reach or notice rate’ was high according to feedback, including among stakeholders and MBA leads – it’s important to note that these invitations were sent via a WSBA address, making comms reach something of a challenge
 - Solid distribution across Sectors, Firm Size and Practice Areas (slide 4)
 - Sample sizes for several key groups large enough – **using strict statistical criteria for analytic stability** - for an initial wave of Centered, Group-Specific analytics
 - “Identity”-based groups, including Black/African American, Asian* (skew East Asian, limited South + South-East), American Indian/FN/AN, Latino/a/e/X, Disabled, Gender (Male + Female)
 - Tenure/Longevity – particularly looking at early, mid and later (e.g. licensed in WA 1-5, 6-15, 16+ yrs.)

Quantitative Sample Firmographics

Good distribution of practice sizes, types and sectors

| Legal "Sector" (pick best label) | |
|------------------------------------|-----|
| Academia / Education | 2% |
| Solo Practice | 18% |
| Private Practice (Group, Non-Solo) | 33% |
| Federal Government | 5% |
| State Government | 8% |
| County or City Gov | 7% |
| Corp In-House Counsel | 8% |
| Nonprofit / Legal Aid | 5% |
| NGO/Community Org | 1% |
| Judge/Hearings Officer | 3% |
| Public Defense | 2% |
| Other | 7% |



Over 70 "Practice Areas" represented

- Avg 4.35 Practice areas per respondent
- Largest areas of practice include:
 - Contracts 20%
 - Litigation 20%
 - Civil Litigation 19%
 - Real Property 18%
 - Criminal 16%
 - Family Law 15%
 - Estate Plan – Probate 15%
 - Admin Law 14%
 - Employment Law 13%
 - Personal Injury 13%
 - Civil Rights 8%
 - Labor + Employment 8%

Assessment: Content + Examples

- **Background** – qualifications, age, self-identification
- **Workplace description** – nature of work, sector, size
- **KGR+C Workplace Climate Assessment Battery** – a “big-picture” aggregate measure including workplace evaluation, satisfaction + loyalty metrics
- **Fit and Belonging Drivers** - workplace demands, goals, workplace perceptions and evaluations, opportunities + opinions, work-life balance, etc.
- **EDI-focused Experiential Assessment** – Microaggression batteries, work-place bias assessments (tightrope bias, prove-it bias, etc.), workplace/leadership diversity + equity perceptions, mentoring, etc.

Assessment:

Note on Race/Ethnicity Labels vs Measures

- Race/Ethnicity assessments were extremely granular, although macro “Race” categories are used to balance confidentiality and reporting purposes
 - Survey assessed Race/Ethnicity using a self-described, select all that apply approach that included open-ended options and allowed refusals
 - Each Race (e.g., Asian) included multiple examples (Asian, Asian American, Central Asian, East Asian, South/Southeast Asian)
 - On selection, respondents were asked follow-ups about each response at a more granular level that included and defined each example so respondents could “find” their identity and see themselves represented within the survey
- Sample sizes WITHIN macro identity categories often become too small for stable quantitative analysis and comparison but were collected to allow for further, focused analysis and targeted inquiry over time

Assessment: Race/Ethnicity Example

Step 1: Everyone asked:

S6_A: Which of the following Race and/or Ethnicity categories do you feel best describe you? [SELECT ALL THAT APPLY]

- 1 African-American, Black American, Caribbean-American, African
- 2 American Indian, First Nations or Alaska Native (e.g., Chehalis, Haida, Makah, Puyallup, Yakama, etc.)
- 3 Asian, Asian-American, Central Asian, East Asian, South/Southeast Asian
- 4 Hispanic or Latino or Latina or LatinX / LatinE / American of Hispanic/Latino/a/e/x Descent (e.g., Mexican, Cuban, Dominican, South American)
- 5 Indigenous Peoples from North, Central, or South America (outside the US, e.g., Inuit, Arara, Aztec, Inca)
- 6 Middle Eastern, Israeli or Arab American or Arab (e.g., Arab, Armenian, Assyrian, Persian, Kurdish, Israeli, Romani)
- 7 Native Hawaiian or Pacific Islander (e.g., Fijian, Melanesian, Micronesian, Samoan, Tongan)
- 8 White / American of European Descent
- 9 Multiethnic or Multiracial
- 10 Prefer to self-describe (please use the space below):
- 11 Prefer not to say

Step 2: IFF #3 (Asian) Selected, respondents also asked:

•S6_3B With which of the following Asian cultures/peoples or regions do you most closely identify ?” [SELECT ALL THAT APPLY]

- 1 Central Asian (e.g., Mongolian, Nuristani, Tajik)
- 2 East Asian (e.g., Chinese, Japanese, Korean)
- 3 South Asian, (e.g., Indian/Asian Indian, Bangladeshi, Bhutanese, Nepalese, Pakistani)
- 4 South-East Asian, (e.g., Cambodian, Filipino, Hmong, Indonesian, Laotian, Malaysian, Thai, Vietnamese)
- 5 None of these
- 6 Prefer to self-describe _____

Methodological Overview: Qualitative Specifics

- Qualitative discussions with WSBA members from 6 under-represented and historically marginalized non-dominant identity groups (Black, LGBTQAI2+, Disabled, Asian*, Latino/a/e/X, Native/American Indian) using a centered, within group design
- 1.5→2 Hour online (Zoom) discussions to expand on key research findings and themes uncovered in the quantitative phase
 - Designed for groups, but some respondents preferred to take part in individual interviews and were accommodated
- Recruitment via WSBA outreach to all members and key MBAs
- All groups and interviews were conducted by crisis-informed and trained moderators
- Informed consent provided verbally prior to starting research
- Confidentiality of respondents critical – no recordings, notes only, no quotes with any identifying information, language changed to remove idiomatic use but retain gist

Executive Summary:

Key Findings + Recommendations

IN BRIEF – TOP 5 TAKE-AWAYS AND REASONS FOR HOPE

SECTION 1: MEMBERSHIP DEMOGRAPHICS, REPRESENTATION + DIVERSITY

SECTION 2: WORKPLACE EVALUATION

SECTION 3: WORKPLACE EXPERIENCES – BIASES, MICROAGGRESSIONS + IDENTITY

SECTION 4: THE SYSTEM + CHANGE

Top 5 Take-Aways

1. WSBA Membership – like that of the ABA Nationally – remains non-diverse, with historically marginalized identity groups continuing to be underrepresented
2. Looking more deeply, it's clear this imbalance is SLOWLY changing – the bulk of members from nearly all marginalized identity groups are younger, more recent additions to the legal community
3. Unfortunately, members from non-dominant/historically marginalized identities are not experiencing as positive, satisfying, accommodating, accepting or welcoming an environment as their dominant culture counterparts, leading to questions of belonging or “fit” that threaten inroads into becoming a more diverse and inclusive membership and profession

Top 5 Take-Aways

4. All groups recognize the lack of diversity and the inclusion challenges in the legal community – but they don't share or even recognize the impact those challenges present to non-dominant members.
5. This is particularly problematic given the fact that almost 90% of those with seniority, and presumably power, with the community are not recognizing the difference in lived experience, bias, and microaggressions that non-dominant, largely younger members are experiencing

Reasons For Hope

- You're taking on the challenge, including via this research. Cultures and the systems that support and nurture them grow organically, and are reinforced when unexamined (especially when successful). They can be dismantled and changed if approached mindfully and deliberately. The first step is awareness ... and this research should provide plenty of opportunity to build and cultivate awareness among the broader community
- WSBA can make a real difference – given a LOT of work and community building
 - Help promote awareness of these issues
 - Work to change the image/stereotype to increase access, reduce disparities
 - Be transparent and accountable – which means you need to collect identity data
 - Centering the communities, and working closely with younger members as well as existing MBAs – you need to listen to them to know what changes to make, how to make them, and why they're needed so that you can develop more inclusive thinking
 - Recognizing you're never “done” – this is a journey
 - Track changes and keep information open

Section 1

MEMBERSHIP DEMOGRAPHICS, REPRESENTATION AND DIVERSITY

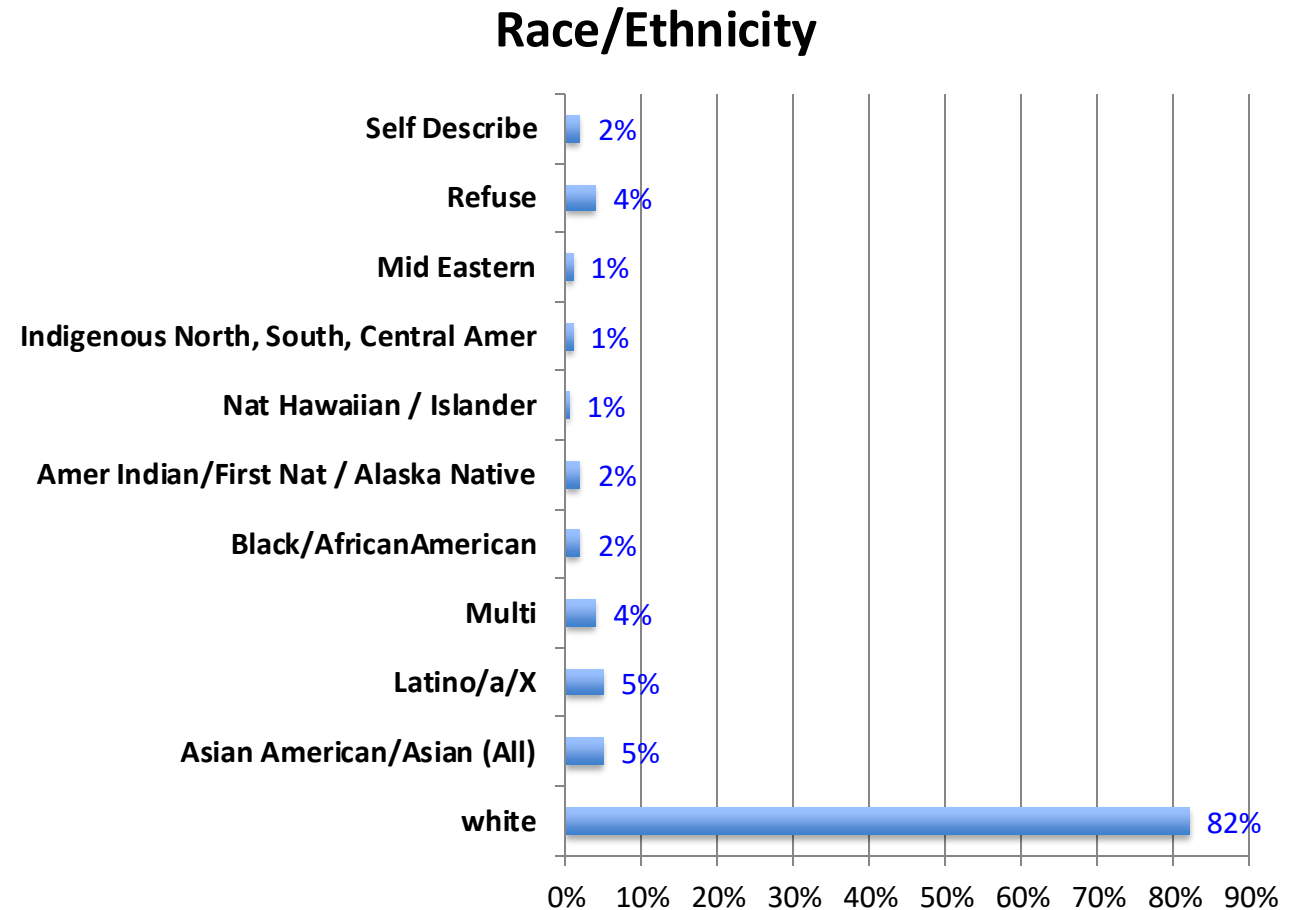
In many ways, WSBA Membership looks similar to the rest of the ABA

- The legal profession is, demographically speaking, not representative of the US population, but is instead:
 - Disproportionately Male (61%)
 - Disproportionately white (79%)
 - Disproportionately straight* (95%)
 - Disproportionately Able-Bodied* (<2%)
 - Somewhat older
- The belief is that these trends are changing, with graduating classes and incoming Bar Members showing greater diversity over time.
- WSBA shows similar skews, though less extreme on several dimensions.

*All data taken from: ABA Profile of the Legal Profession 2023
(<https://www.abalegalprofile.com/index.html>)*

WSBA Membership Lacks Race/Ethnic Diversity, Skewing Disproportionately white relative to both the Washington State population and recent ABA graduating classes while underrepresenting historically marginalized groups

- **82%** of the survey respondents identified as white.
 - Membership does not reflect the State Population. 65% of the State population identifies as white (US Census 2022). The proportion of WSBA Membership is 17% higher
 - Membership does not reflect recent Law School Graduating Classes. In 2022, the ABA reported that 60.7% of law school graduates identified as white. The proportion of white-identifying WSBA Members is 21% higher, representing a significant skew from the incoming national pool of Law School Graduates.
Source: [ABA Section on Legal Education and Admissions to the Bar](#)
- No other race/ethnicity is over-represented, and several (Black, Latino + Asian) are significantly underrepresented according to State and ABA statistics



WSBA Survey Sample Is Comparable to Voluntarily Provided Demographics in WSBA Internal Data Providing Excellent Support of Findings

WSBA Member Demographic Report (2023):

AI/NA/AN: circa 1%

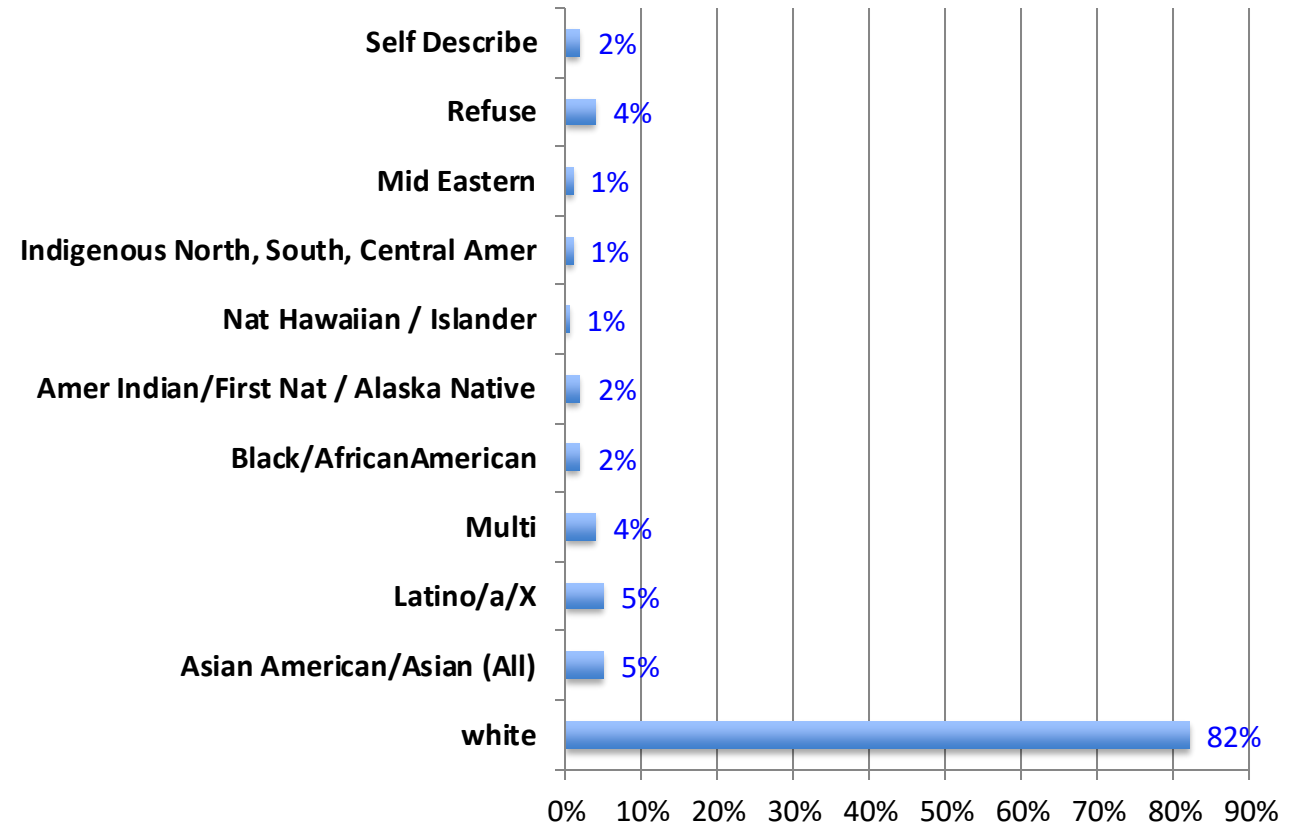
Asian (combined): circa 6%

Black/AA/African Des: circa 2%

Hispanic/LatinX: circa 3%

White/European Descent: 83%

Survey Sample- Race/Ethnicity



Membership is also disproportionately Male and has fewer Disabled and LGBTQAI2+ Identified Members than Gen-Pop, though the skews are far better than the ABA averages

- 51% of the survey respondents identified as Male, 46% as Female.
 - Relative to the national distribution of all practicing Bar Members, this figure is pretty good – Nationally, only 39% of active ABA Members identify as female
 - However, while closer to parity than ever, this falls far short of the recent Law School Graduating Classes, where 56% identify as women. In fact, Law Schools have seen 6 straight years of declines in the proportion of Male students.
Source: [ABA Section on Legal Education and Admissions to the Bar](#)
- 11% of the sample identified as Disabled - with most (64%) citing Invisible disabilities (e.g., ASD, ADHD, unobservable impairments)
 - While a far greater proportion of WSBA Members identify as Disabled than the ABA, this is often the case when survey data are collected by an independent source under conditions of assured confidentiality
 - Data from a neighboring State Bar (OSB) showed over 15% of the sample identifying as Disabled
 - It is a strongly held belief by most Disability Communities and Researchers that these numbers remain an underestimate. This is particularly likely in an older cohort, like the legal community.
- 10% of the survey respondents self-identified as LGBTQAI2+.
 - Relative to the national distribution of all practicing Bar Members, this figure seems pretty good ... but
 - The KGR+C survey used a more comprehensive assay of gender and sexual identities – like the ABA, roughly 4% of Members self identify as “Gay or Lesbian”
 - ABA data for more recent graduating cohorts and summer associates suggest the proportion should be higher
Source: [ABA Section on Legal Education and Admissions to the Bar](#)
 - Nationally, LGBTQAI2+ identities are estimated to be up to 14%, with strong regional skews
 - The proportion of younger generations (Millennial, GenZ) who identify as LGBTQAI2+ is increasing significantly suggesting a cultural suppression effect that is slowly eroding

The trend towards increasing Diversity is clear: As with the ABA, WSBA membership is becoming increasingly diverse – though still far from goal

- Much like the ABA, WSBA Membership skews somewhat old. 57% of Members have been in the legal workforce for 16 years or more... and much of the authority, seniority, policy and decision-making for the profession is set by that cohort
- Interestingly, that cohort is where Dominant Culture skews are strongest, showing the smallest proportion of those who identify as Black, Native, Asian, Latino, or Women

| Member for | Total % | % Black Members 16+ Yrs | % Am Ind Members 16+ Yrs | % Asian Members 16+ Yrs | % Lat Members 16+ Yrs | % white Members 16+ Yrs | % Disabled Members 16+ Yrs | % Women Members 16+ Yrs |
|------------|---------|-------------------------|--------------------------|-------------------------|-----------------------|-------------------------|----------------------------|-------------------------|
| 16+ Yrs | 57% | 43% | 44% | 46% | 33% | 58% | 55% | 46% |
| 1-15 Yrs | 43% | 57% | 56% | 54% | 67% | 42% | 45% | 54% |

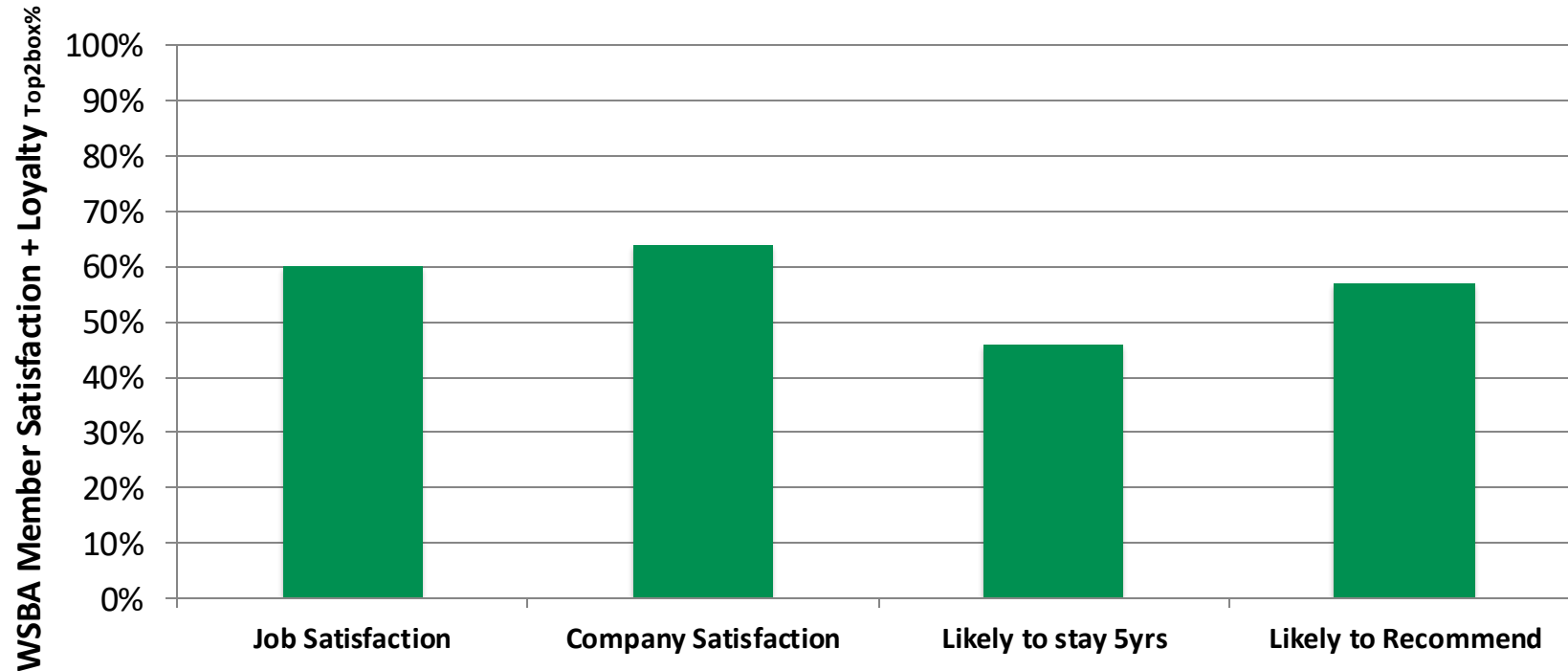
Note – this is 58% of the 82% of members who identify as white – in other words, almost 90% of the most senior across the field

- Bottom line – Although WSBA Membership should become more diverse over time if the current trends continue, a significant number of identity-based groups are likely to lack voice and mentorship at the most senior levels of practice in the State for some time to come
- **Importantly - this assumption of increasing diversity rests on the belief that Members will neither leave the profession nor the State... and that the everyday lived experiences of Members are comparable across identities.**

Section 2

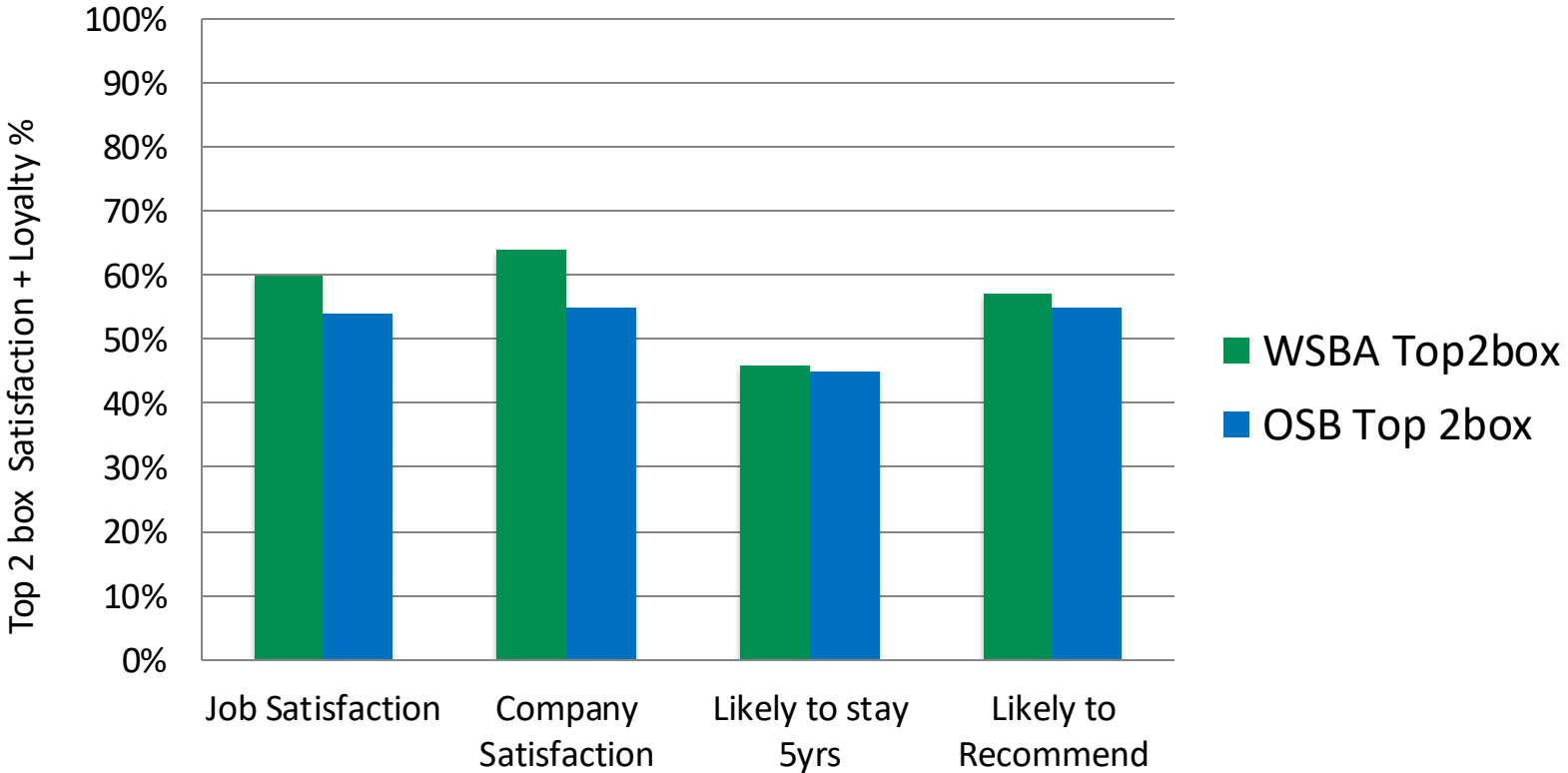
WORKPLACE EVALUATION

Overall, Workplace Evaluations Are Not Bad On Average...



Worth noting that less than 25% rated all indexes in high range, suggesting that fewer than 25% of WSBA members are highly satisfied and likely to stay/recruit where they are

Slightly higher, in fact, than your neighbors to the south...



Note: The Oregon State Bar published these data on their public website

But given that 82% of the Members are from a single identity group, it remains to be seen if all groups are equally positive

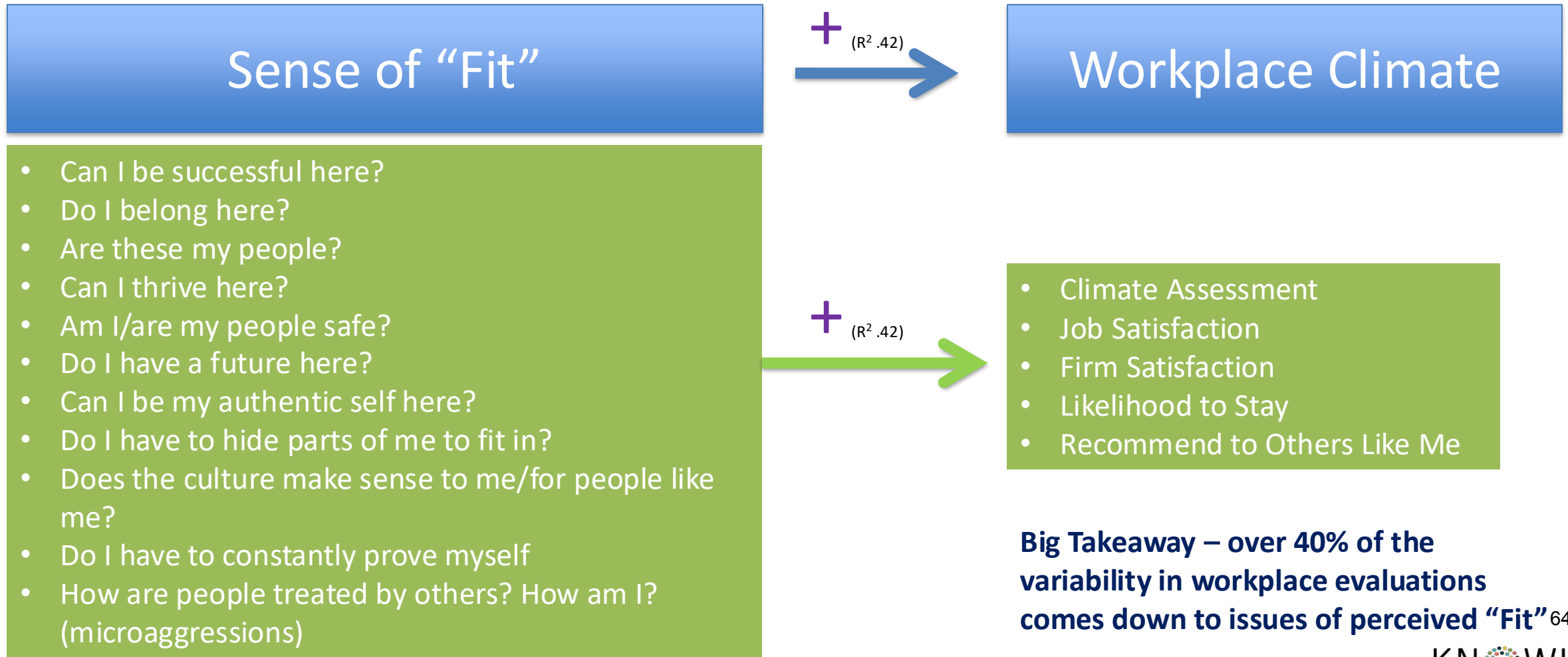
However, when Workplace Evaluations Are Examined Through an Identity-Focused Lens, Meaningful Differences Emerge, Suggesting Systemic Differences In Lived Experience Exist



Obviously, a ton of factors drive these differences ... but at a high level, it comes down to feeling like the workplace is a good “Fit”

The data point to a wide array of factors that communicate and inform the sense of “fit” – and shows just how powerful that determination can be

Feeling like you “Fit” enhances the workplace and job satisfaction – feeling like you don’t fit undermines it



Fit is communicated through many channels, both active and passive, and a lot of them are very likely unintentional and poorly thought out

I've heard 'Hey, are you really an attorney?' and 'I have to wait for my lawyer to get here' (Phase 3– Black)

I can't walk in [to court or firm] without someone assuming I'm a client or lost (Phase 3– LatinX)

I knew I didn't fit in when a [white] associate said the same thing I said to the same Partner I said it to 15 minutes earlier, but the Partner looked at me like I was nuts and him like he was a gift (Phase 3 – Native American)

When you aren't allowed to celebrate [massively important cultural family holiday] (Phase 3 – Asian)
They invited me to an interview in a building with steps, no elevator (Phase 3 – Disabled)

I didn't even try to join a corporate firm they'd never anyone like me (Phase 3 – LGBTQAI2+)

Nevertheless - the impact of being told you don't
"fit" is real

I've had judges say to me they were surprised Black folks could be lawyers. It made me think – am I really that incompetent?

(Phase 3)

Section 3 - Exploring Dimensions of Fit and Identity

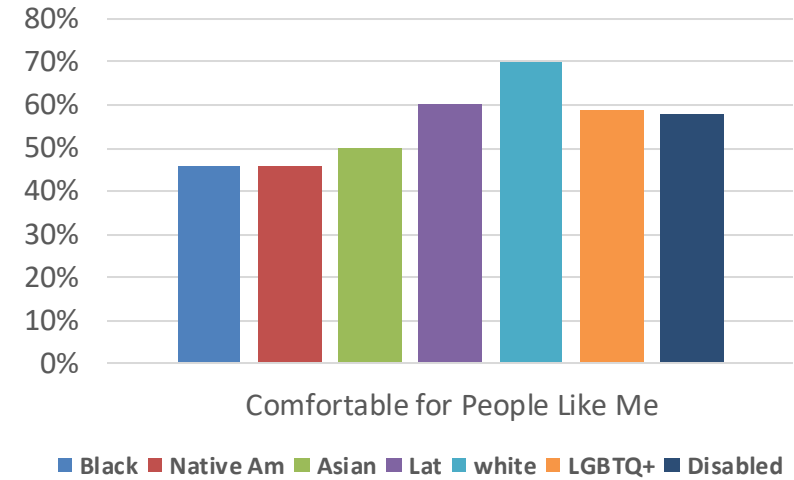
“FIT”, WORKPLACE EXPERIENCES, BIAS + DISPROPORTIONATE IMPACTS

Workplace Inclusion and “Fit”

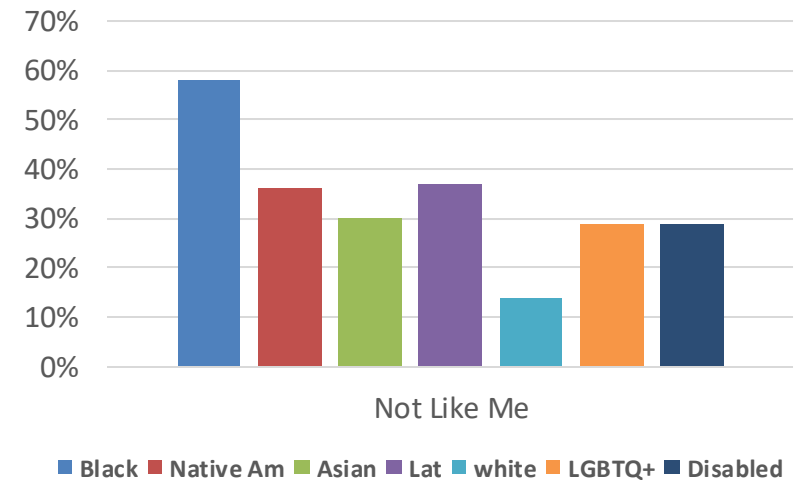
- The majority of Members – from every identity group - recognize that their workplaces have significant inclusion challenges, including by Race/Ethnicity, Gender+Sex ID, Disability and “just being different” (see inclusion slides, appended)
- The inclusion challenges have greater impact on some groups than others – for a variety of reasons – including two powerful “Fit” indicators: →

*“I stand out – I have to be perfect”
(phase 3, Common Sentiment)*

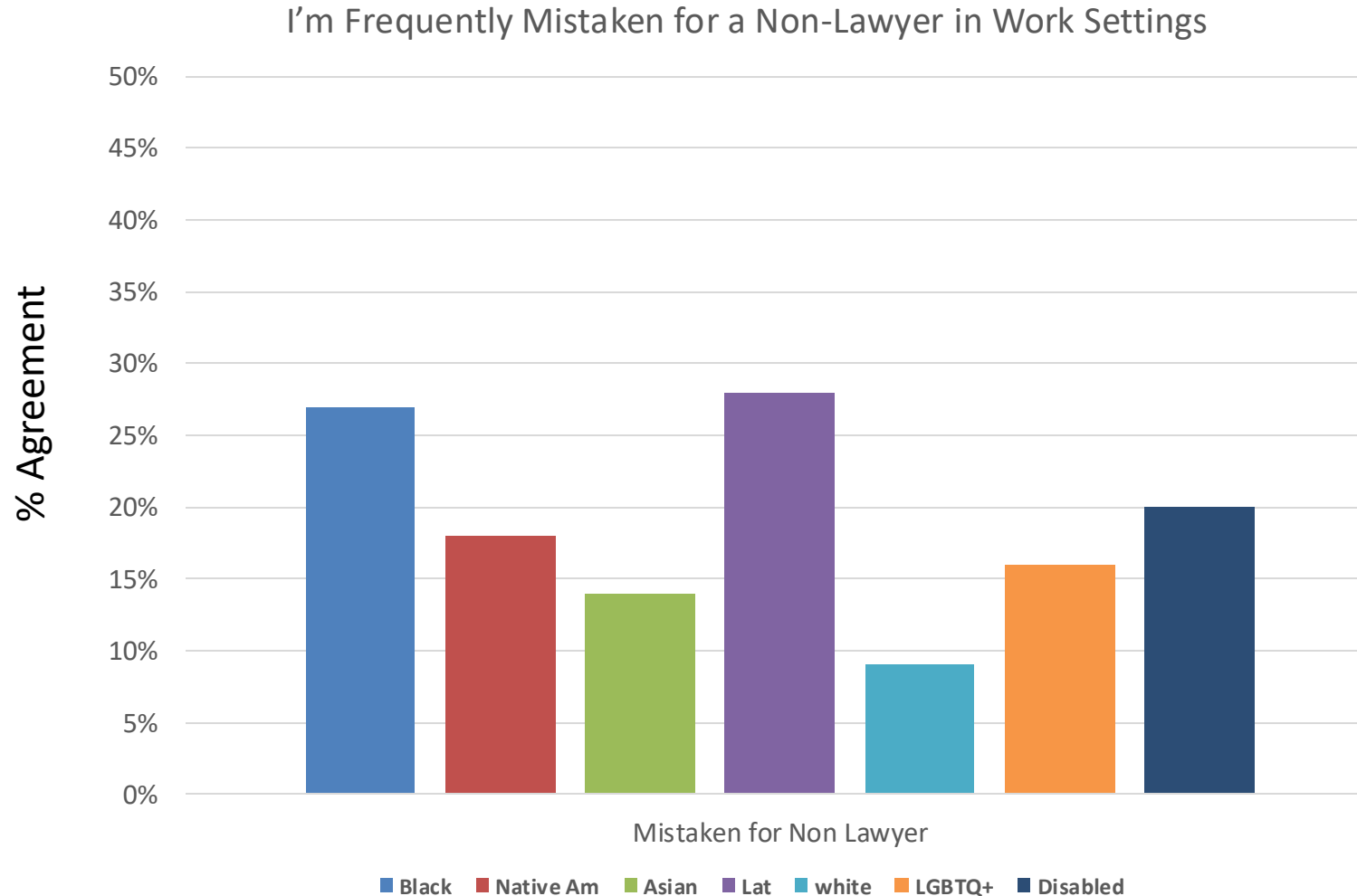
Workplace is comfortable for people like me



Representation Challenge – People I work with are not like me



Standing out – as most historically marginalized identity groups do within the broader WSBA member community – leads to questions about whether you belong



They see the [mobility device] and assume I'm a client

I asked for a standard accommodation for a diagnosed disability. I was told ...I'd just have to deal with it as it was part of the job

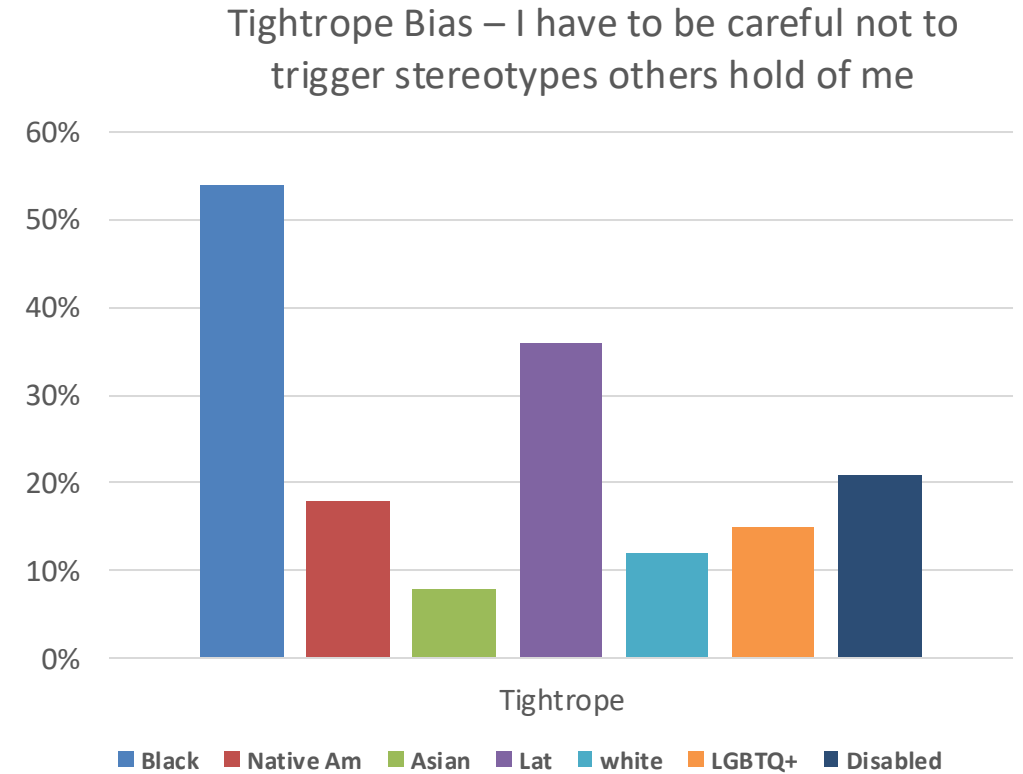
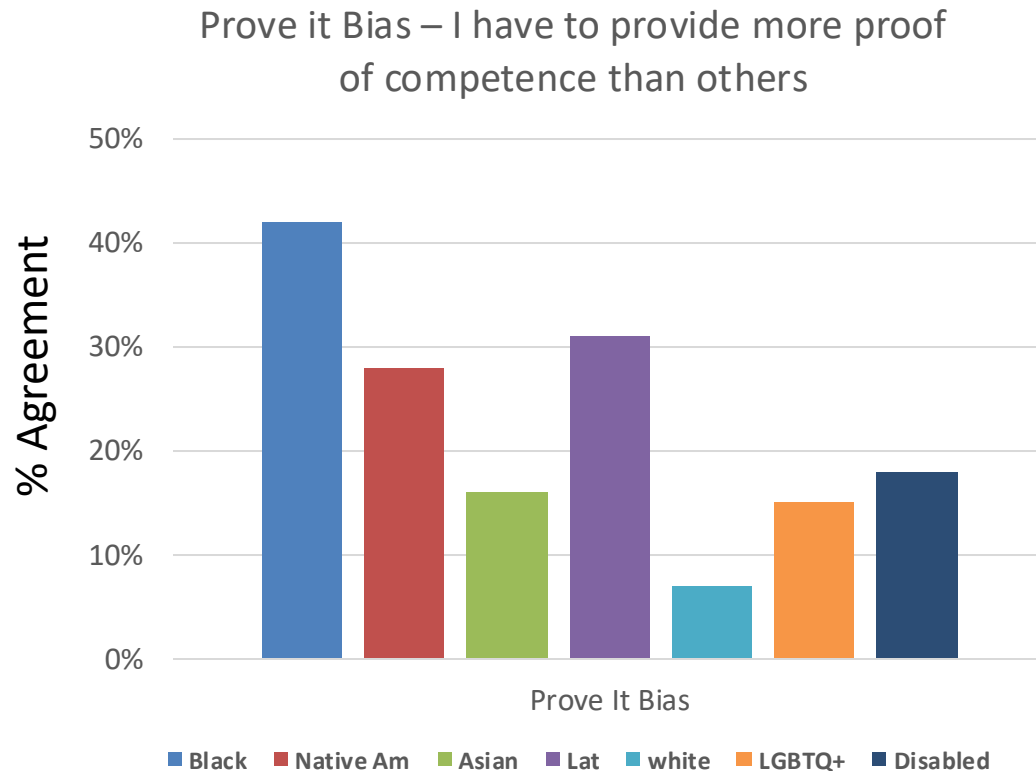
I had a hard time getting past security for the interview

I was told "you can't be a lawyer with hair like that"

They claim they'd all love to hire me but their clients would never feel comfortable

Fit and Systemic Biases - Non-Dominant groups feel disproportionate pressure to confirm and conform

- Identity groups with the least representation tend to face the greatest scrutiny... feeling forced to repeatedly prove competence + avoid triggering other people's stereotypes



Workplace Biases (2) - Non-Dominant groups feel disproportionate pressure to confirm and conform

It's constant. They crush you with low expectations ... and when you beat them, they don't trust it. (Phase 3, Black)

They insist I'm a DEI hire. They hire one black lawyer and one Asian lawyer, and we're DEI hires. Not the best qualified. Not the best candidates. The DEI hires. (Phase 3, Asian)

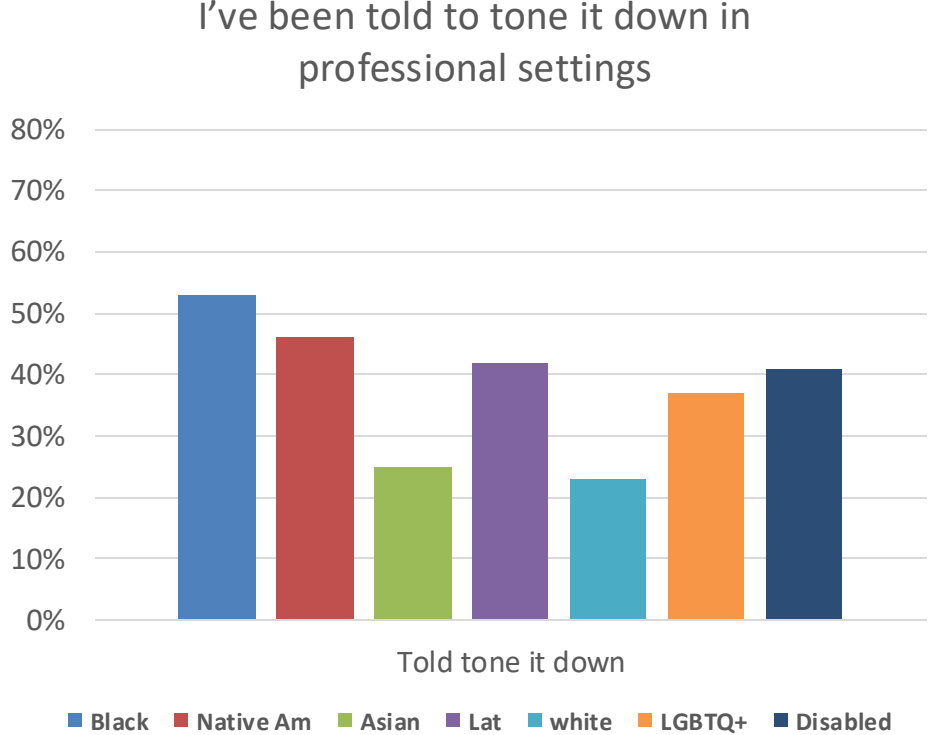
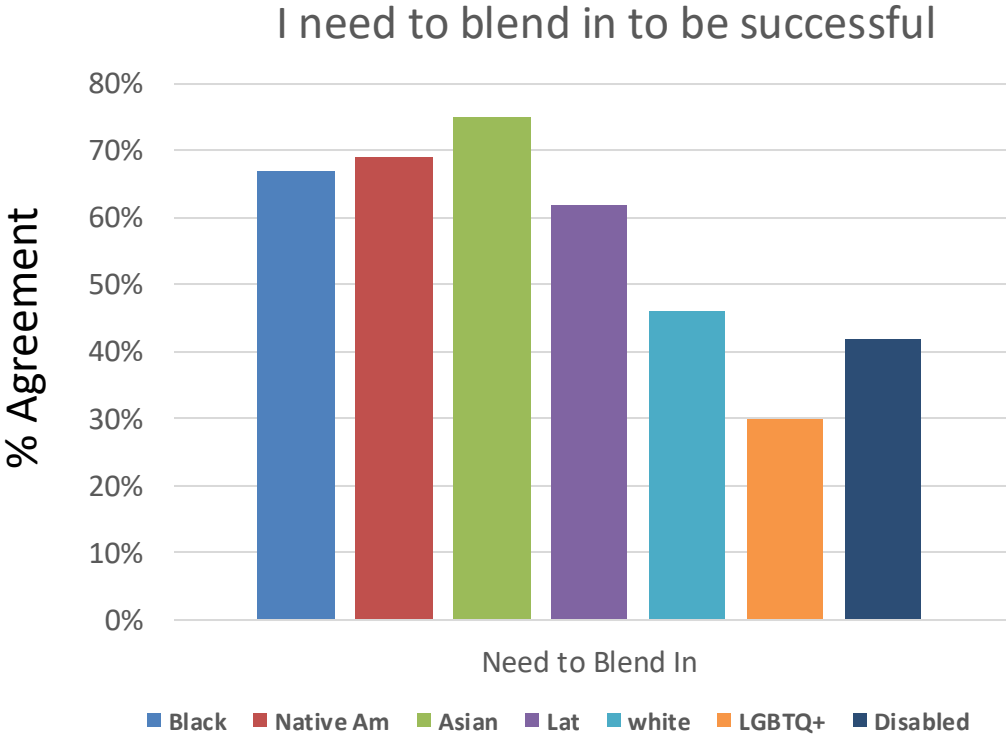
We have to prove it over and over, and they still have lower expectations. They act surprised I can string sentences together, and [those sentences] have to be better. But you aren't asking this other [white] guy who can't string a sentence together if they went to law school. (Phase 3, Black)

In performance reviews, they'd criticize me for the way I communicated. Not what I said, whether it was accurate or right, or whether I did as much or more work than anyone else (which I did). They didn't like the way I talked and related. They kept talking about it being inefficient, how I should talk more like them. That's just the way [my group/gender] relates. They criticized me for being me, not for the work I did or how I did it. (Phase 3, Black)

Always have to be 3-4x better than white people for any promotion. This is a definite thing (Phase 3, Black)

They find a reason for everyone else [to underperform] – they had a bad day, they've handled this stuff before, it's a glitch, whatever. Me, they question whether I know my stuff, even though I've done dozens of these (Phases 3, Native).

Non-Dominant groups feel more constrained to fit in to be successful and are more likely to be told to “tone it down” to be professional



- This suggests that “Fit” is communicated systemically – standing out by virtue of identity or disability engenders greater scrutiny and places more constraints on behavior

Standing out [leads to] greater scrutiny. We give up a lot to stand out less. Names. I don't use the name I do with my friends or family. Families. Language – I feel like every time I pronounce a Mexican name or food the right way I remind people I'm different. It's never enough.

(Phase 3 LatinX)

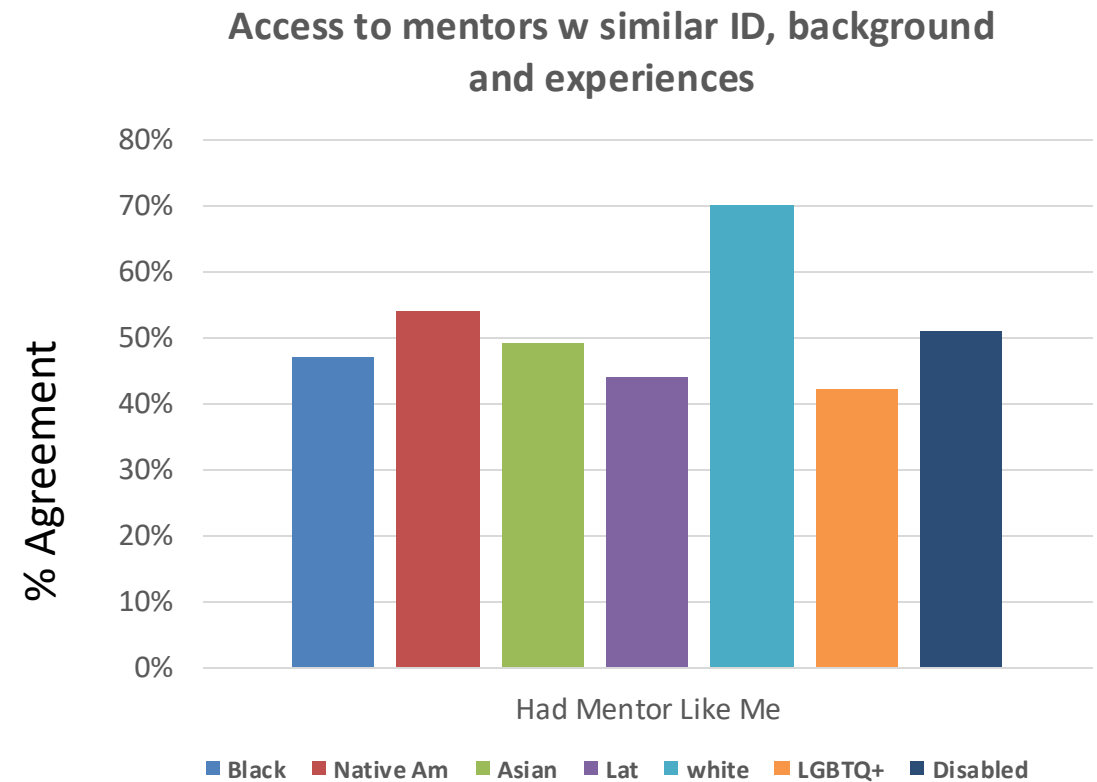
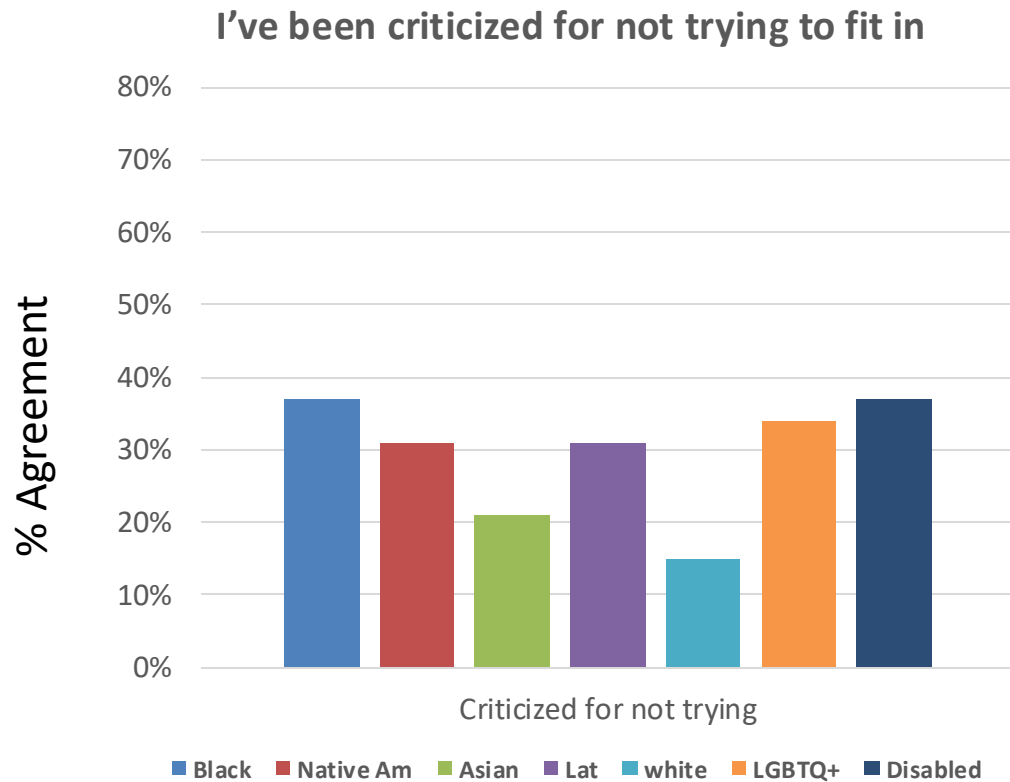
It's different in DC. There's a lot of us there, in the courts, on the bench, corporate. The assumption is that we all know what we're doing. Here it's different. There's so few of us people wonder how we got there.

(Phase 3, Black)

I'm out and open about it. They know, and mostly ignore it except when [it benefits them]. But their heads would explode if I wore a pair of heels.

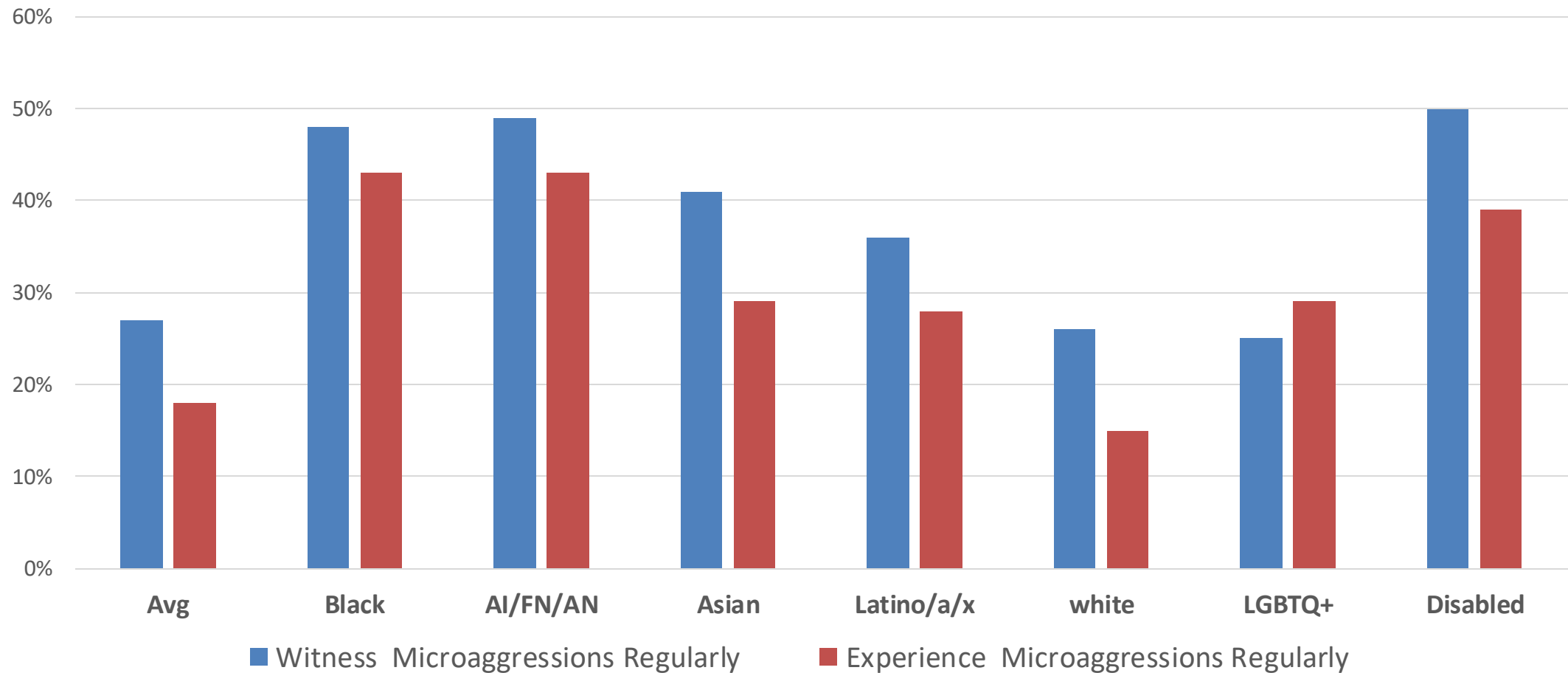
(Phase 3, LGBTQAI2+)

Non-Dominant WSBA members are frequently told they are not trying hard enough to fit in, and have fewer seniors/mentors like them to turn to for advice, than their dominant culture counterparts



Psychologically, this creates/enhances uncertainty, driving a feedback loop that reinforces the sense that you – and anyone like you – are a poor “Fit” in the workplace. That it does so this broadly suggests this is systemic, and a very real problem in an increasingly diverse space.

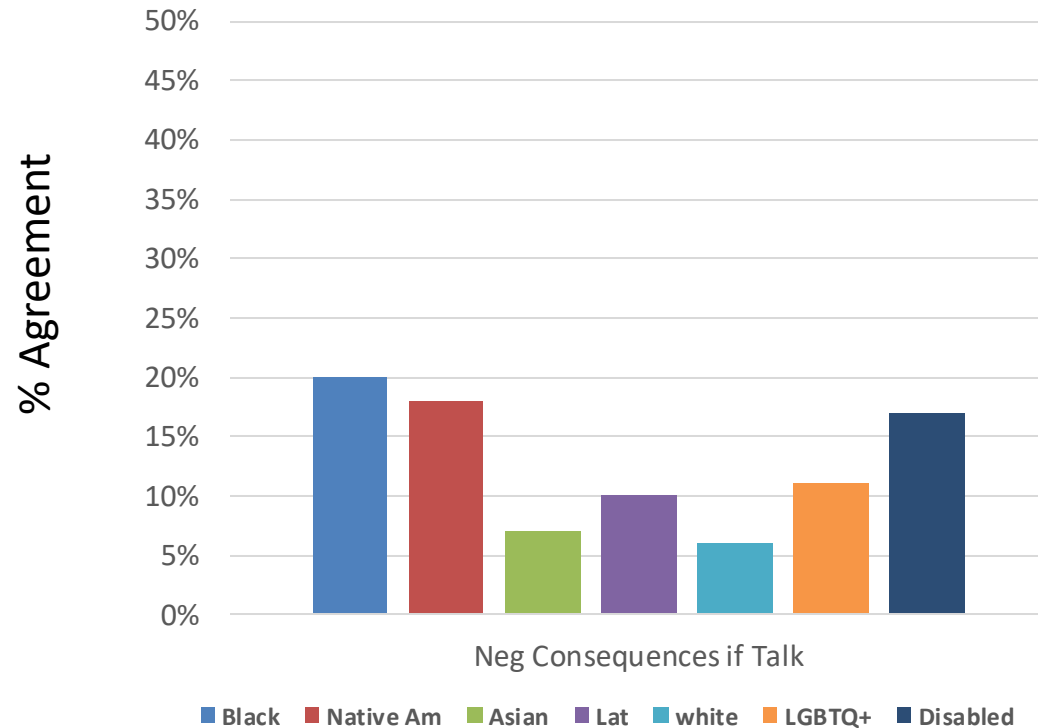
Members from non-dominant identity groups witness - and are the targets of – significantly more frequent, identity-based workplace Microaggressions



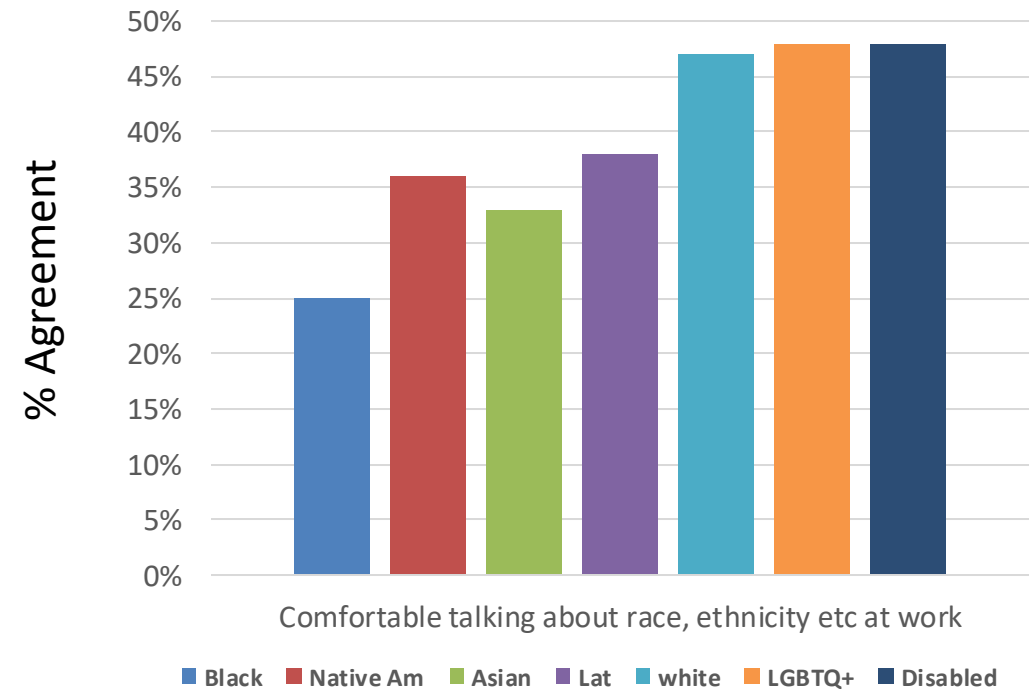
“regular” is defined as happening several times per month at minimum – a frequency at which events are expected and considered “normal”

While Non-dominant members are concerned that speaking up about unfairness will cause problems, the members with mentors and leadership who look like them believe conversations about DEI are comfortable + easy

I'd face negative consequences if I report unfair treatment at work



People at work are comfortable talking about issues of race, ethnicity, equity, diversity +/- or inclusion



Section 4 – Putting it all together

THE SYSTEM + CHANGE

You are Not The System – You Are In It

- Cultures grow organically over time. They create systems and mechanisms to reinforce themselves, like Norms, Values and best practices for success. But while culture tends to evolve over time as the people who represent it change, it does so slowly... because those new leaders came up in the same system and mastered it – they still play largely by those rules. The ways of doing things aren't changed until or unless they fail to achieve their desired goal.
- The legal community – and the systems that feed and support it – grew organically over time. The ABA was founded in 1878 – the norms, standards, rules and yes, stereotypes of what a lawyer is and looks like are anchored in that time. They've evolved, certainly, but evolution is a slow process taking generations and the folks born 3-4 generations ago (e.g., pre-millennials) are largely the ones in power
- Nobody today is responsible for the creation of this system – but if the goal is to increase access, diversity and inclusion within the membership, then actively challenging some of the mechanisms and messages of the system are a necessity

With the implicit structures of the system as a backdrop, Identity Factors Affect Workplace Experiences, Sense of Fit and Perspective on the Workplace



How do you disrupt the System?

- Step 1 – you have to see it and evaluate it (e.g., this research)
- Step 2 – examine the systemic impacts relative to your goals and prioritize the message, rule, norm or stereotype to dismantle based on a combination of what you can and must achieve
- Step 3 – LISTEN TO THE GROUPS / COMMUNITIES AFFECTED – include them in all planning and discussion and make sure you hear them... they're the ones who know best
- Step 4 - Develop a plan(s) centering the group(s) and communities that are most negatively impacted, with representatives from those groups and communities at the core of the planning.
- Step 5 – Rinse and Repeat. There's no magic wand. This is a long, deliberate and mindful journey. Anything else is performative.

Recommendation 1 – Change the Stereotype to enhance “Fit”

- If we established anything, it’s that non-dominant members are more likely to feel as if they’re “OTHER” – they don’t “fit” with the systemic impression or image of a successful legal practitioner at virtually all levels in the state

People who look like me almost always have to go into legal aid (Black and LGBTQAI2+ groups)

My (white) partner got recruited into the best firms and was on a fast track. I struggled to find work that wasn’t dead-end outside of [the public and non-profit sectors]. We went to the same school and had the same grades. (LatinX)

We knew in school not to apply to the white-shoe firms. They never hired anyone from law school. And this was one of the few law schools that would have people who look like me. (Native)

Recommendation 1 – Suggestions to Change the Stereotype to enhance “Fit”

- Provide Counterexamples and Evidence for “Fit” - Develop an ongoing, visually based messaging and communications campaign highlighting and emphasizing diverse members who contribute to the field and culture of the legal community. Make diversity commonplace.
- Develop community-based relationships with organizations and in-community institutions that focus on increasing non-dominant group access to education. Many respondents – especially those who are first generation College graduates – are overwhelmed by an educational system that is largely new and unknown to them. Providing branded, group-specific resources that would help them overcome perceptual, financial and/or belief-based barriers and see the Law in Washington State as viable career path
- Promote the study – within and across sectors – make sure that firms, Orgs, the Judiciary etc throughout the State recognize the ways in which the System disproportionately impacts non-dominant peers and colleagues on their turf... and their likely unknowing complicity in it, then help provide resources for them to begin their own enhancement / improvement processes

Recommendation 2 – Work on changing the image and relationship the Bar has with non-dominant members and MBAs

- For as much as the respondents recognize that WSBA is becoming more diverse and might ultimately become a better resource, the Bar is far from being seen as an ally
 - MBA relationships are fairly weak and distant, and there is little or no positive connection with the MBA constituents or the populations they represent (particularly outside the I5 Corridor counties)
- Bar communications are often unnoticed or, at best, scanned by members
- Bar outreach appears to be driven by Bar needs and requirements, rather than community engagement or community building

Recommendation 2 – Work on changing the image and relationship the Bar has with non-dominant members and MBAs

The only time I hear from them is when they want something. And usually, it's a last-minute request [that] feels like I'm an afterthought (Native)

I reached out to the Bar for help [getting an accommodation for the Bar Exam]. I was told they didn't know how to do it and they never had to before, so they weren't going to (Disability)

I heard they [the Bar and Judiciary] were doing an accessibility assessment. They haven't asked us for input. They don't even know what we need, they think all disabilities need wheelchairs. Some of us need a quiet space for a few minutes. Some need bathroom access. But hey, there's a mobile ramp for the back steps and no parking nearby so it's all good (Disability)

They aren't allies. They aren't interested in being allies. They are more punitive towards us. They come down on all of us much harder when there's a complaint, and there's no recourse. We just have to take it (LGBTQAI2+)

Recommendation 2 – Suggestions to help change the image and relationship the Bar has with non-dominant members and MBAs

- Listen – spend time and resources embedding with MBAs and talking to members of the communities they represent. Convene meetings that Center each group and seek opportunities to redress wrongs
- Be Transparent – Communicate your goals, downplay success and admit to failures. The allegation that non-dominant members from any group face greater discipline and are accorded less leniency or opportunity to present mitigating factors is a powerful problem. In part because there is no way to establish base-rates and test the hypothesis. Lack of transparency makes it far more likely that people are forced to “fill in the blanks” while building an explanatory narrative. You have to counter that.
- Be a resource, if not yet an Ally
- Work closely with younger Members from all groups. They’re the future... and they have a different perspective on diversity, inclusion and yes, even equity, than the Greatest, Boomer and GenX members in seniority (e.g., those with 16+ yrs time in grade). Build around THEIR expectations, not the older generations, and you’ll speed up the process considerably.

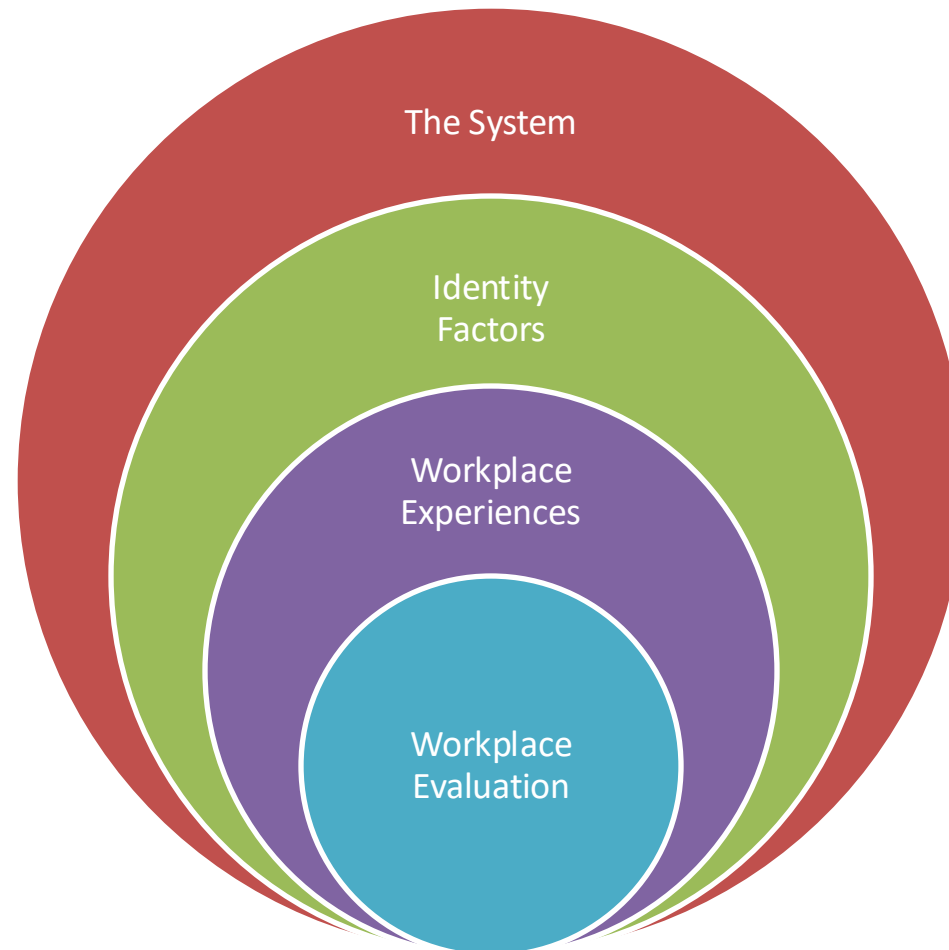
Recommendation 3: Develop Viable Mentoring Programs

- This one is trickier than it sounds, but it's vital. Mentoring programs are critical aids to mitigating uncertainty about "fit" and how to be successful, but existing mentors are a limited, non-funded and far to often utilized resource
- Build mentor teams, including folks within WSBA to provide support and continuity, but led by the Mentor and Mentee
- Provide training resources and benefits for mentoring and mentors – stipends? Dues forgiveness? CLE credits?
- Consider casting a wide net – partner with other Bar organizations to establish regional and sector-based mentoring and networking

With the implicit structures of the system as a backdrop, Identity Factors Affect Workplace Experiences, Sense of Fit and Perspective on the Workplace

Recommendation 1 –
Change the Stereotype
- should mitigate
several barriers to
entry + enhance
workplace experiences

Recommendation 2 –
WSBA Image and
Community Relationships -
Should provide resources
for members to question
and change the system and
opportunities for
community building and
informal mentoring _
networking



Recommendation 3 –
Mentoring - Should
mitigate uncertainty and
concerns over “Fit”, how to
be successful and how to
navigate a space designed
and developed by and for
a singular group (white
men) with distinct norms
and expectations that are
neither universal nor fully
explicitated.

Thank you!



Quantitative Slides

APPENDIX – CORE QUANTITATIVE SLIDES FOR THOSE WHO WANT TO GET DEEPER IN THE WEEDS

Quantitative Sample Characteristics

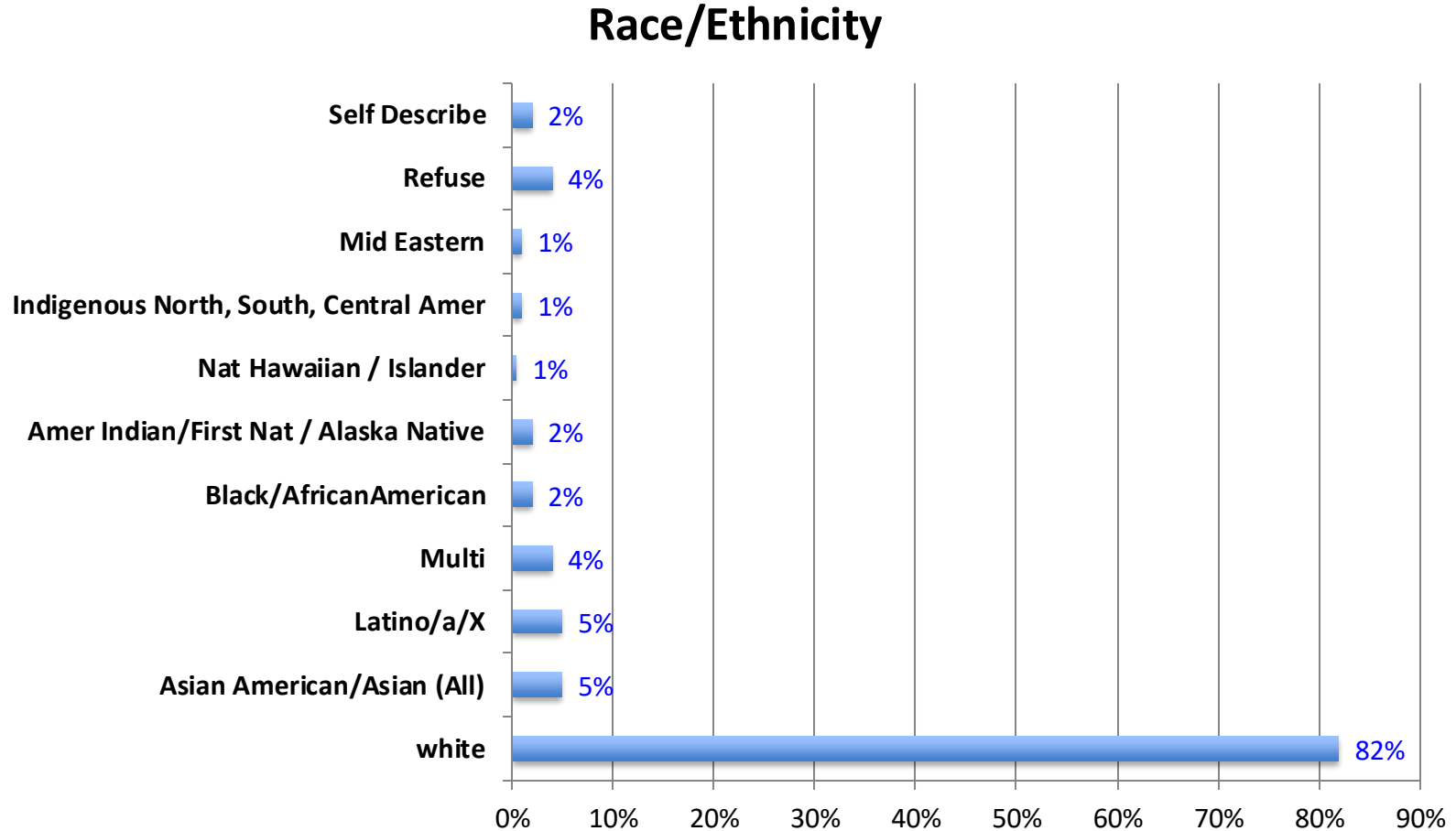
What a Demographer or Statistician might call "a bit skewed"

N = 1857

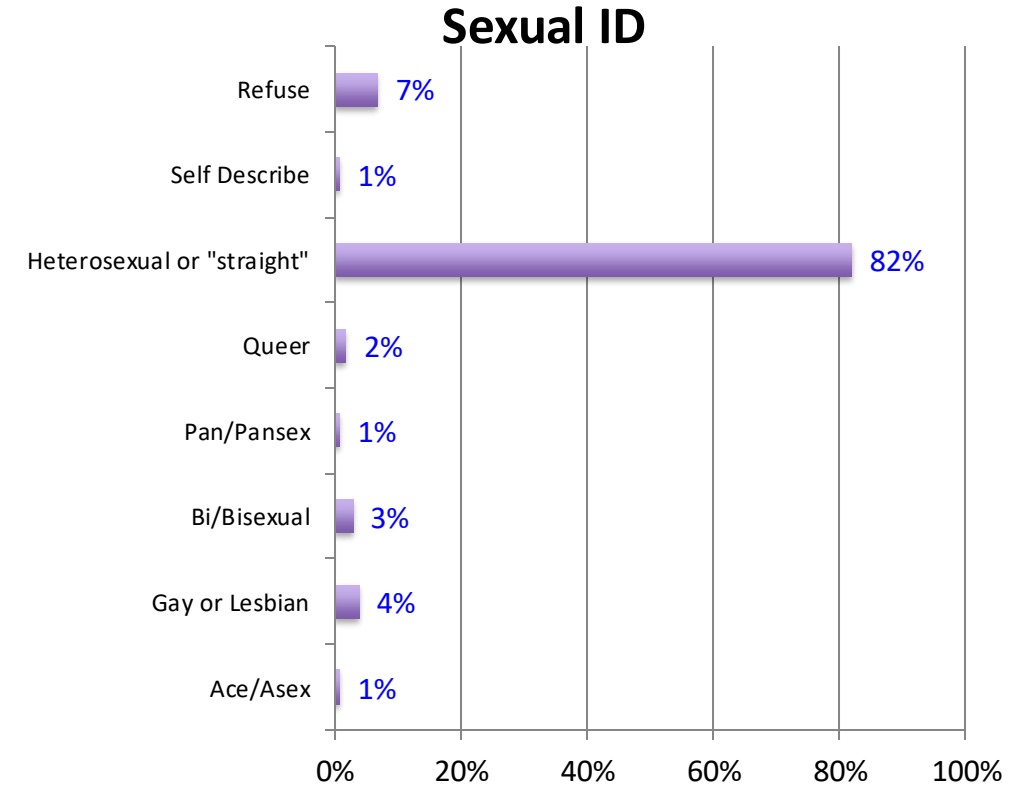
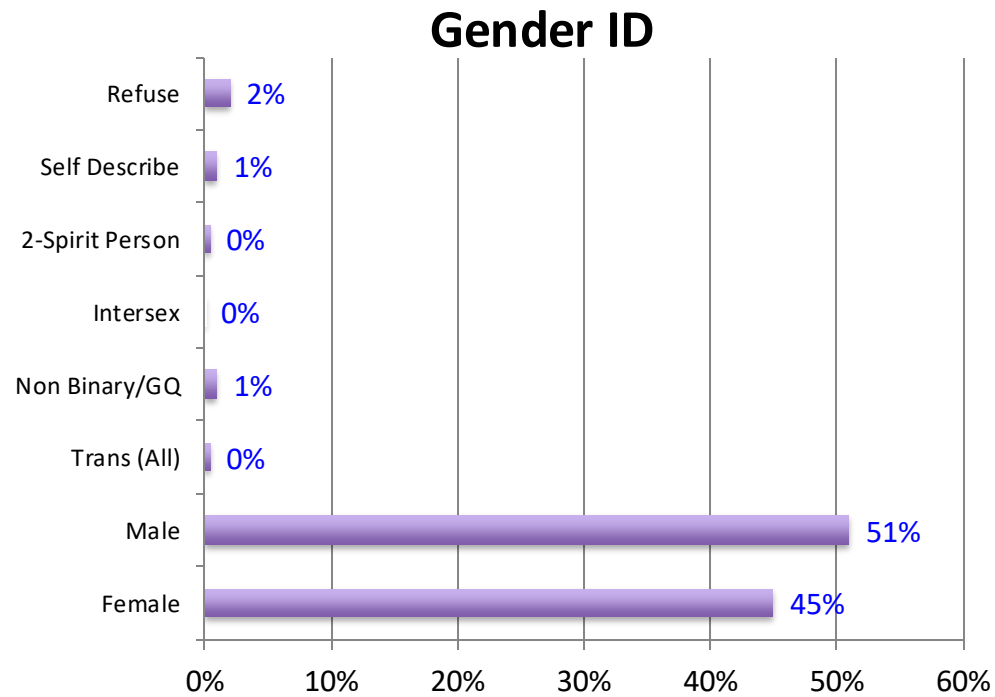
***Sample skews:**

- **Overindexes "white" (+17%)**
 - 65% of state pop vs 82% Sample
- **Several Groups underrepresented per census estimates, including:**
 - **Black (-3%)**
 - **Asian (-6%)**
 - **Latino/a/X (-9%)**

***Sample skews determined via comparison to US Census Data estimates (2022) for Washington State**

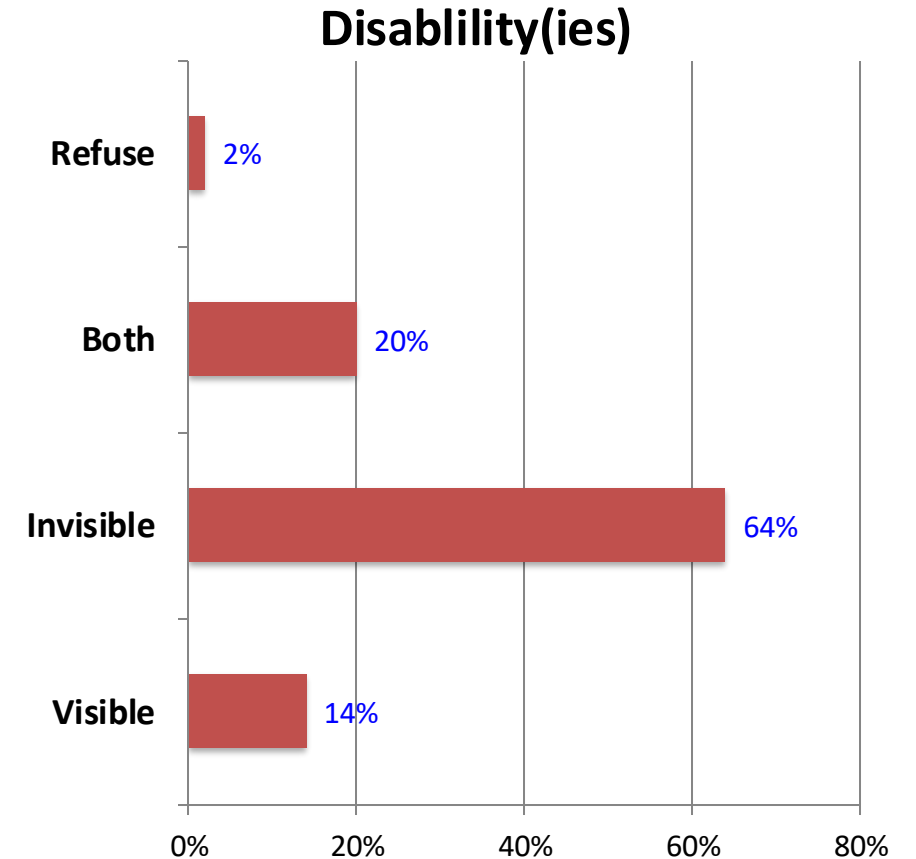
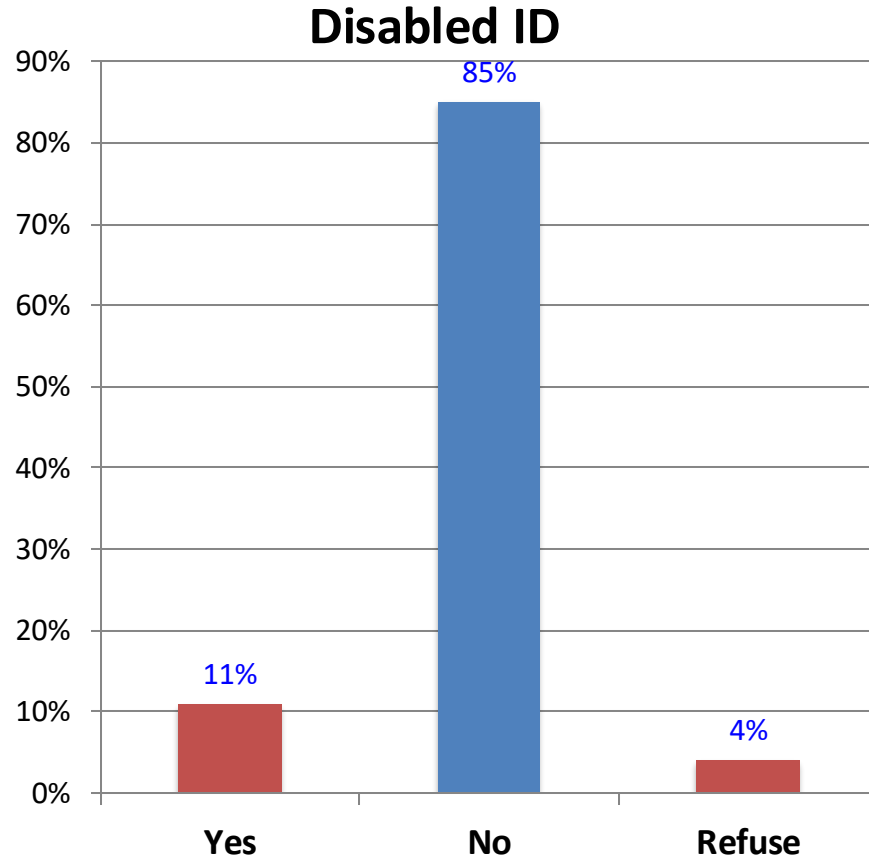


Quantitative Sample Characteristics



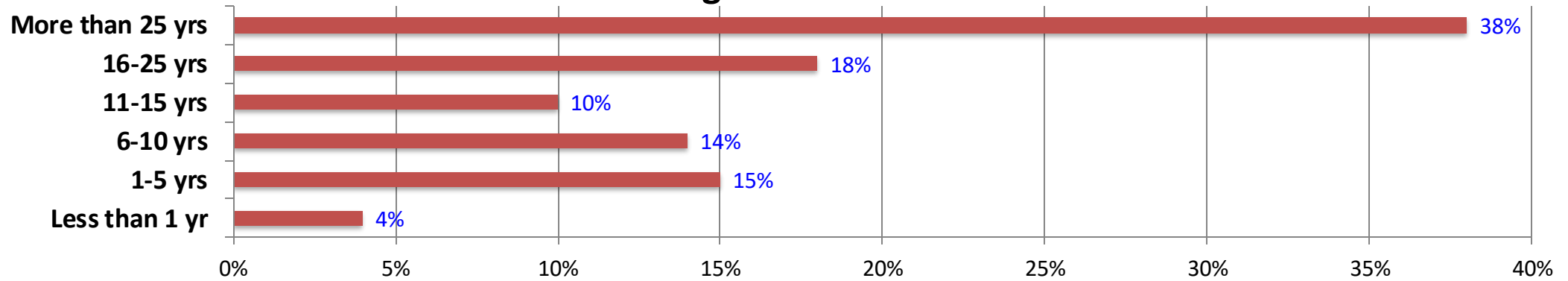
Sample limits will make it tricky to Center each group – but trend analytics and qualitative insights are not off the table

Quantitative Sample Characteristics - Visible and Invisible Disabilities



Quantitative Sample – Tenure/Longevity Skews “High” + Suggests Ongoing Change (and Challenges)

Lic Washington State

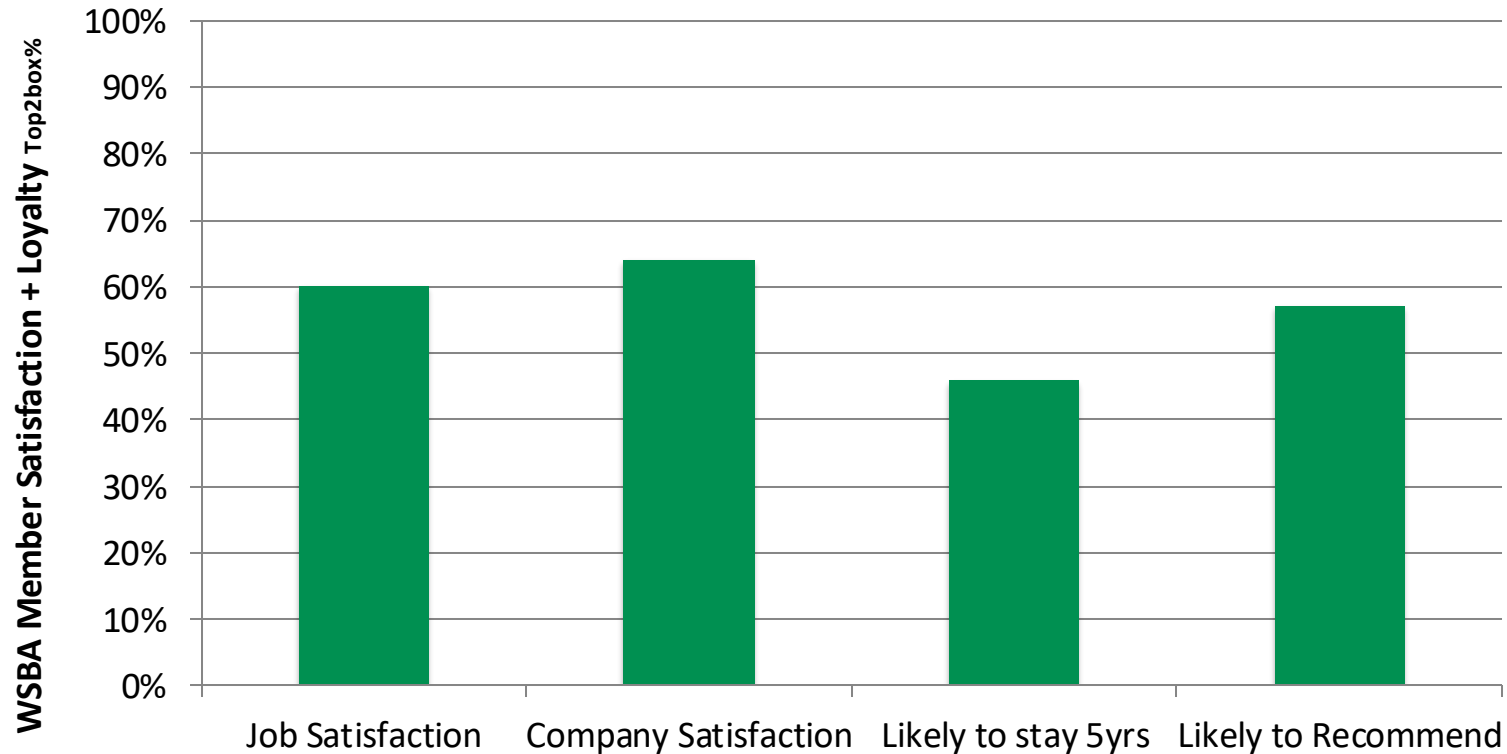


| % Members 16+ Yrs | % Black Members 16+ Yrs | % Am Ind Members 16+ Yrs | % Asian Members 16+ Yrs | % Lat Members 16+ Yrs | % white Members 16+ Yrs | % Disabled Members 16+ Yrs | % Women Members 16+ Yrs |
|-------------------|-------------------------|--------------------------|-------------------------|-----------------------|-------------------------|----------------------------|-------------------------|
| 57% | 43% | 44% | 46% | 33% | 58% | 55% | 46% |

Membership is becoming more diverse over time, but a significant number of identity-based groups are likely to lack voice and mentorship at the most senior levels of practice in the State for some time to come

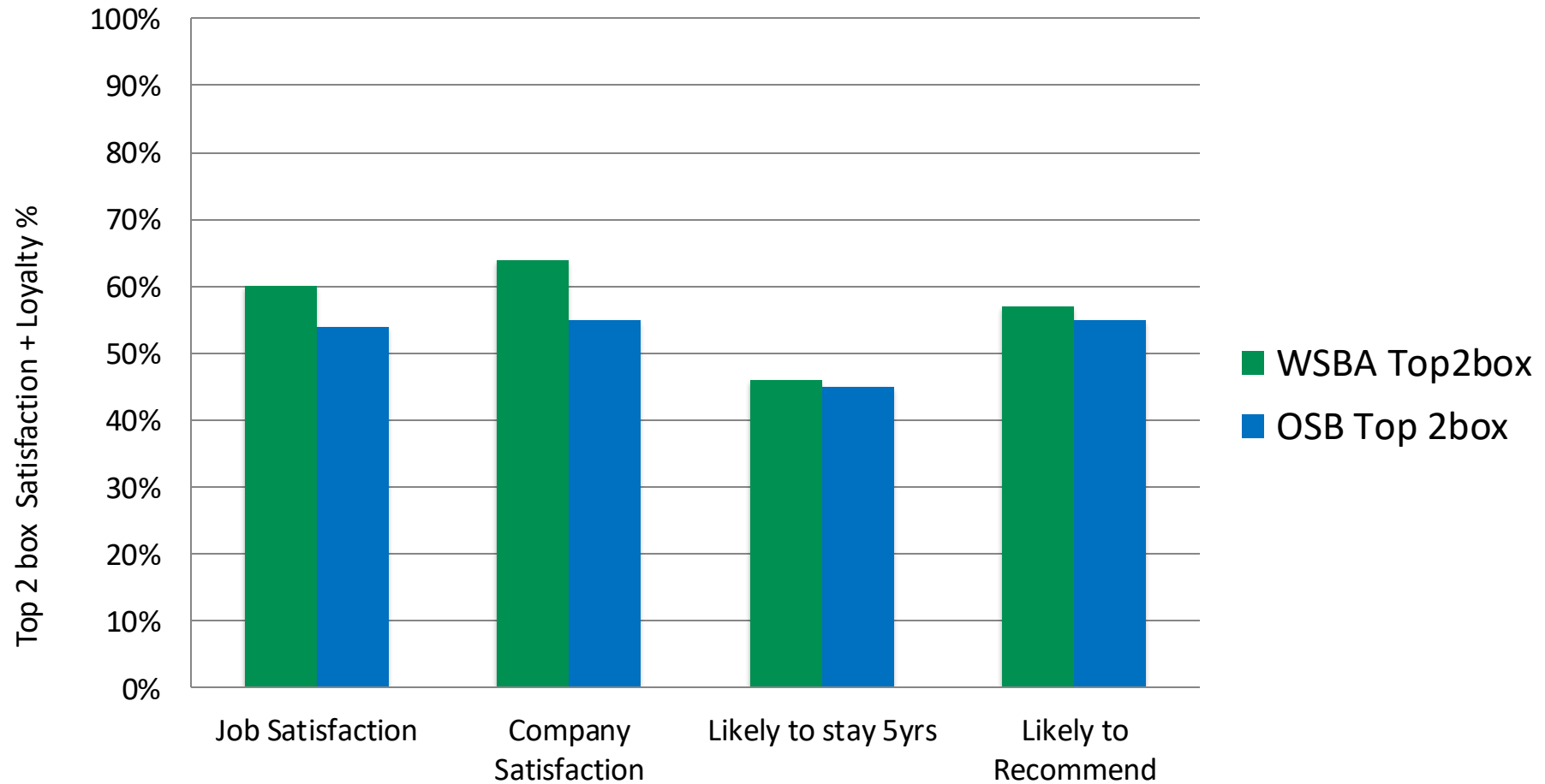
Workplace Climate Gets Mixed Reviews

While a majority (60%) are satisfied, the sample skews in identity groups and seniority (both time in grade and within organization) make this tricky to interpret at this top-level



Despite skews, fewer than 25% rated all indexes in high range, suggesting that fewer than 25% of WSBA members are highly satisfied and likely to stay/recruit where they are

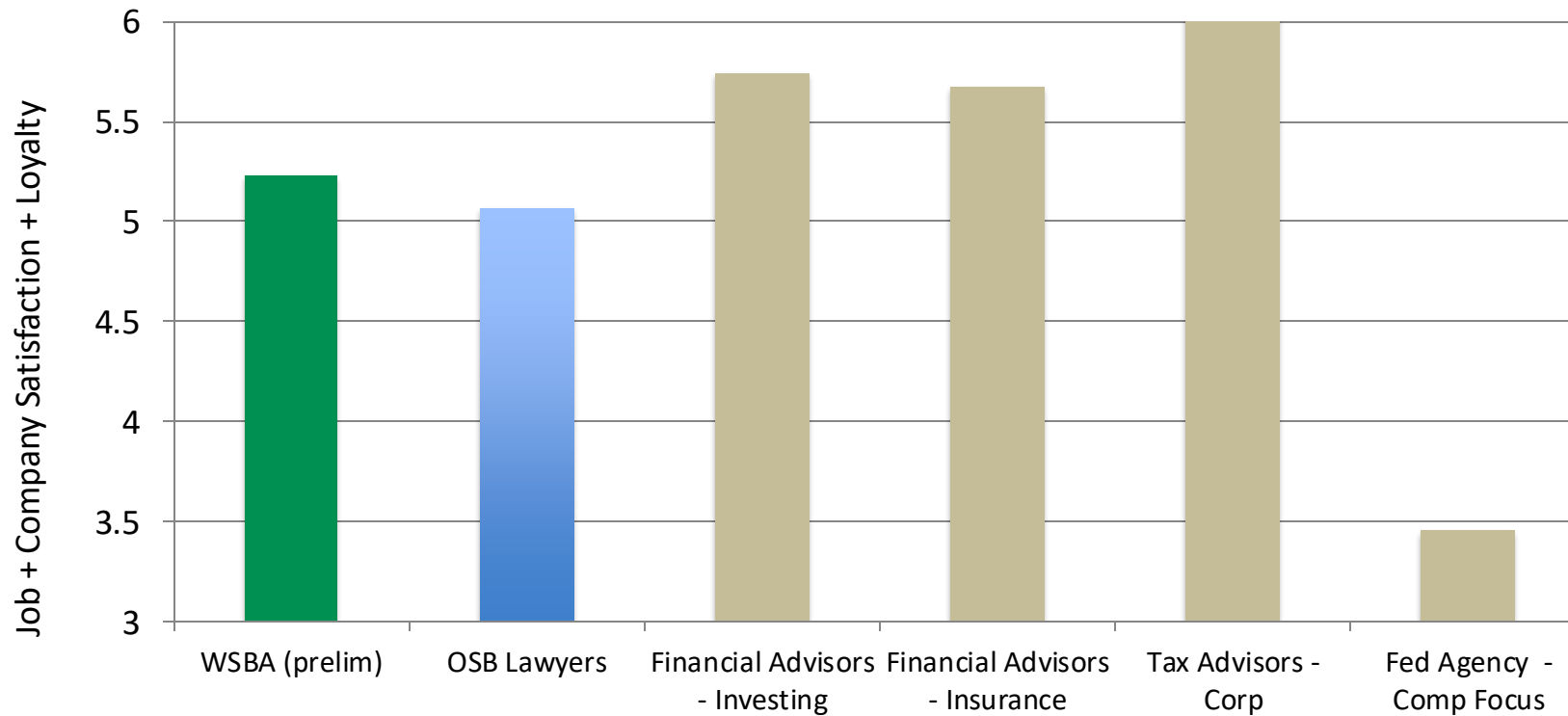
Workplace Climate Comparison: WSBA vs OSB Members



Note: The Oregon State Bar published these data on their public website

WSBA Satisfaction Levels are Lower than Comparable Professions (but you beat Oregon + IRS Employees)

WSBA members report lower job + company satisfaction and “loyalty” than most other surveyed advisory-based populations



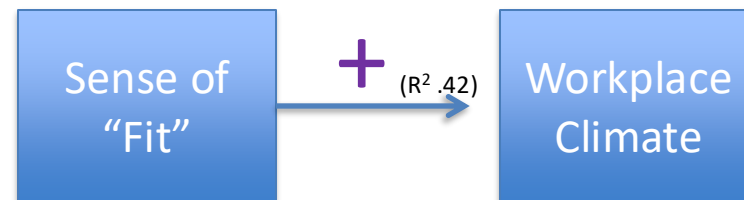
When Workplace Evaluations Are Examined Through an Identity-Focused Lens, Meaningful Differences Emerge, Suggesting Systemic Differences In Lived Experience Exist



Obviously, a ton of factors drive these differences ... but when you talk to people, they often start out by talking about "Fit"... and then they talk about how they got there. Our survey lets us model that process.

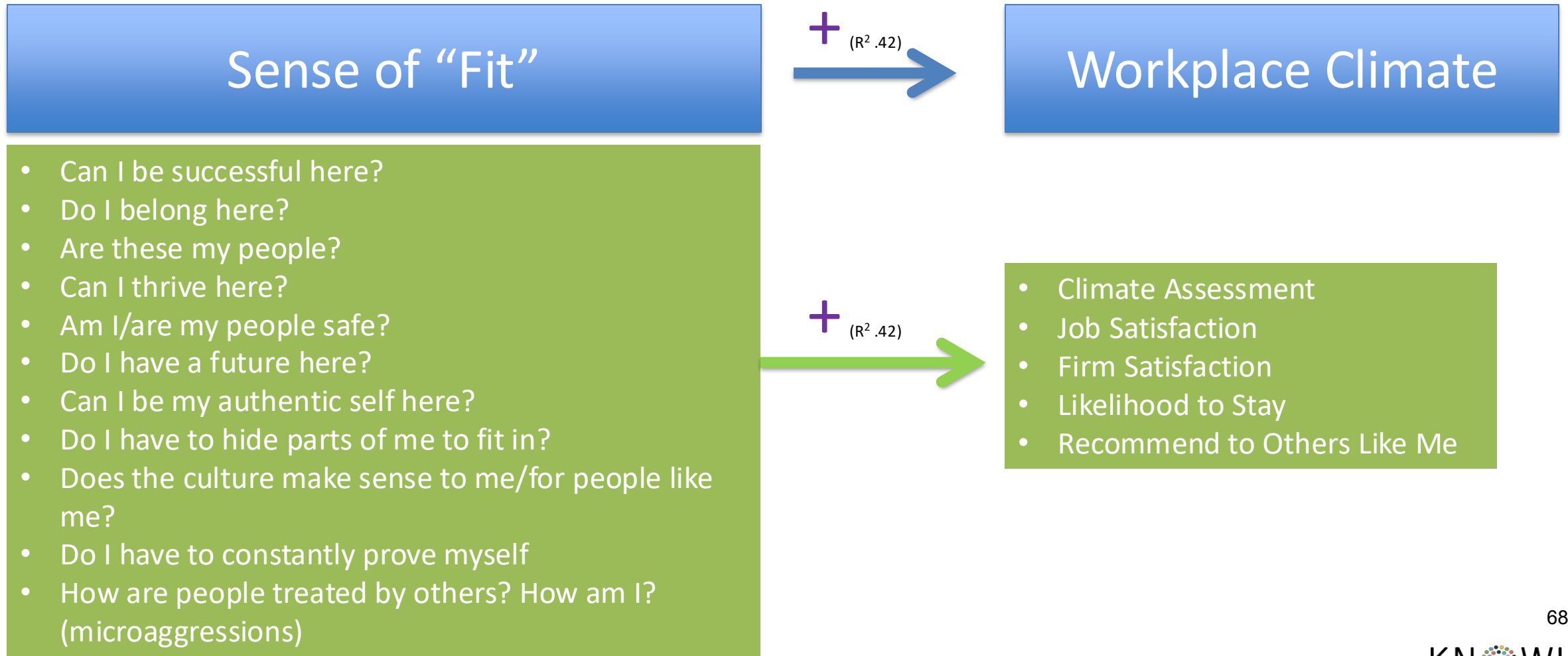
Modeling: Feeling like you “Fit” Enhances the Workplace Climate, Satisfaction + Future Outlook

- Scaled attitudinal and perceptual statements reflecting a sense of how well or poorly you “fit” with a workplace or community highly predictive of all four aspects of job satisfaction, workplace satisfaction, likelihood to stay and recommend
- Previous KGR+C research conducted with multiple clients across multiple industries (including Law) suggests this perceived “fit” accounts for over 40% of Workplace Climate (Satisfaction + Loyalty)



What that model means:

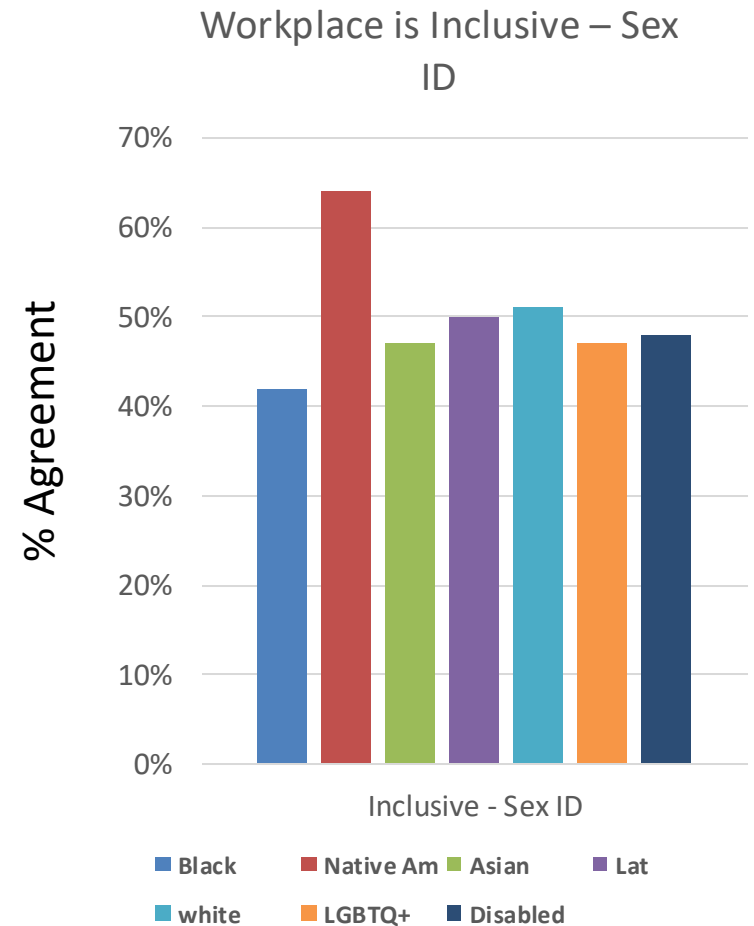
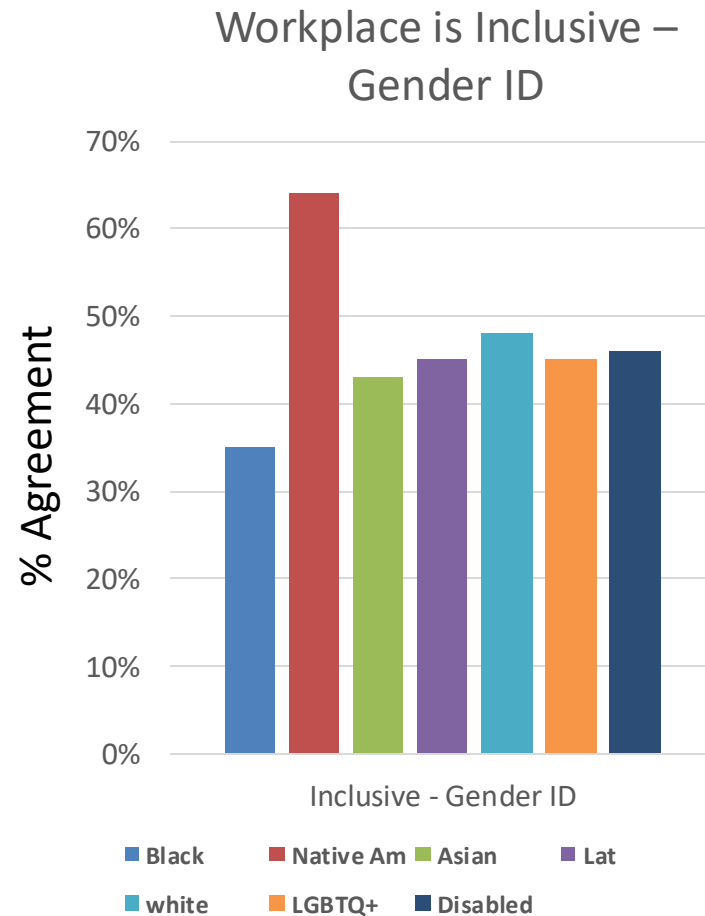
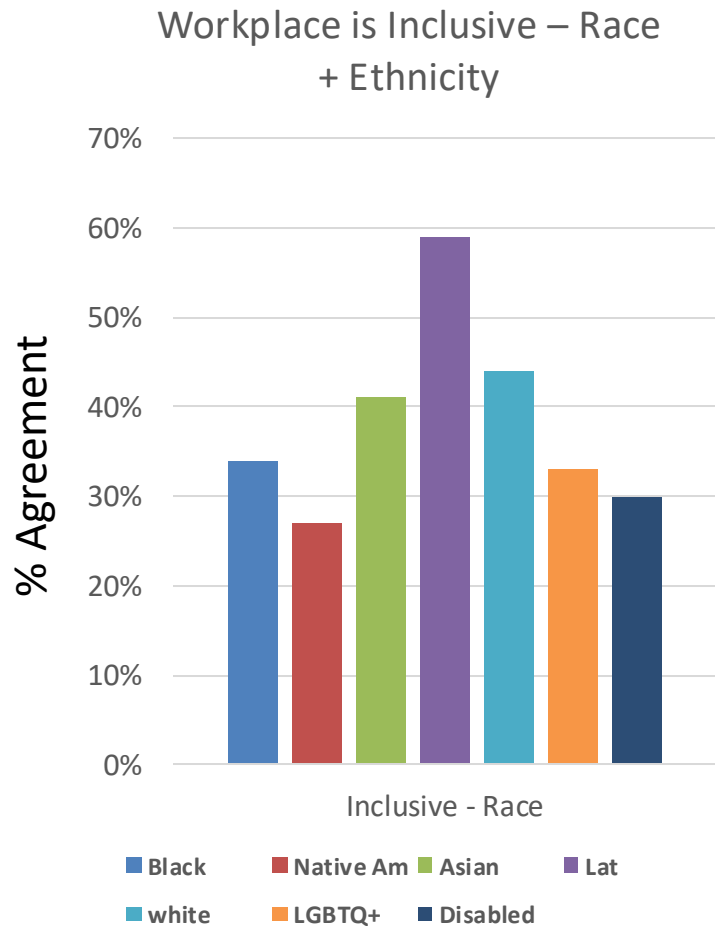
Feeling like you “Fit” Enhances the Workplace Climate, Satisfaction + Future Outlook



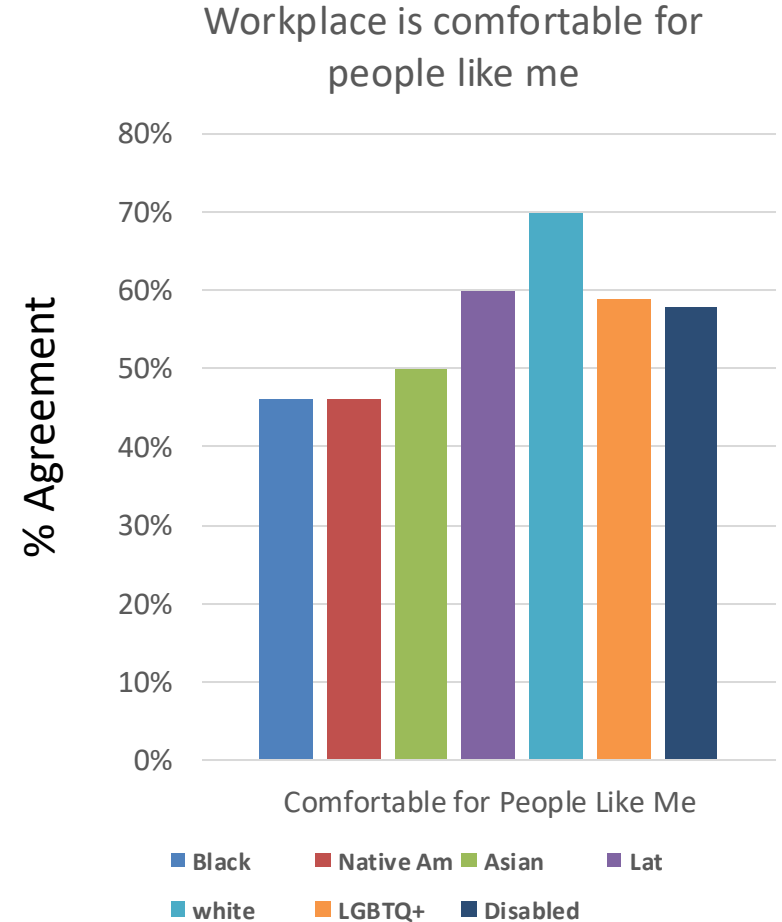
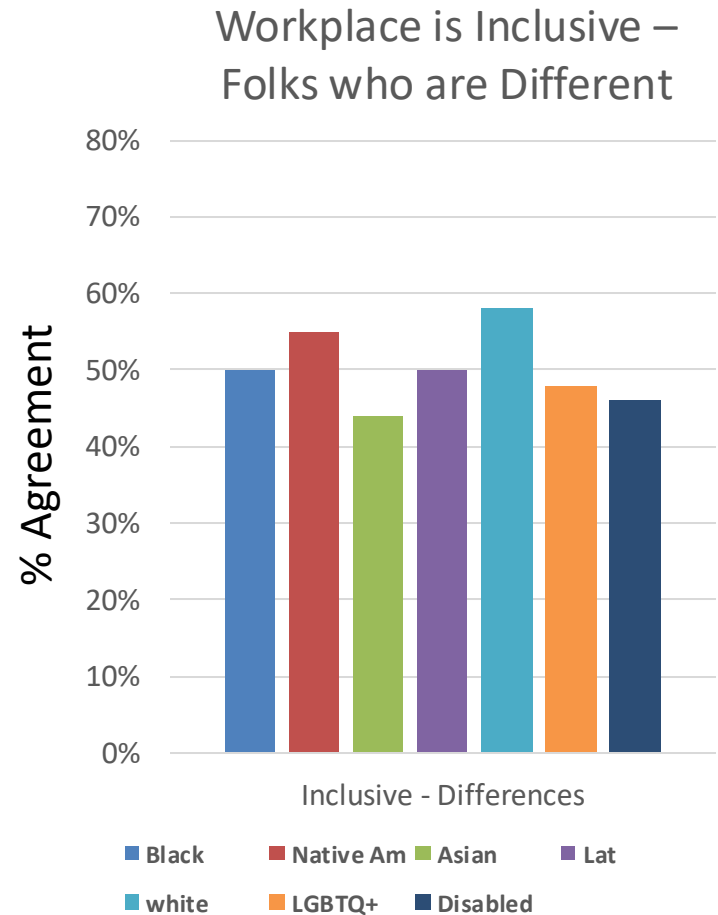
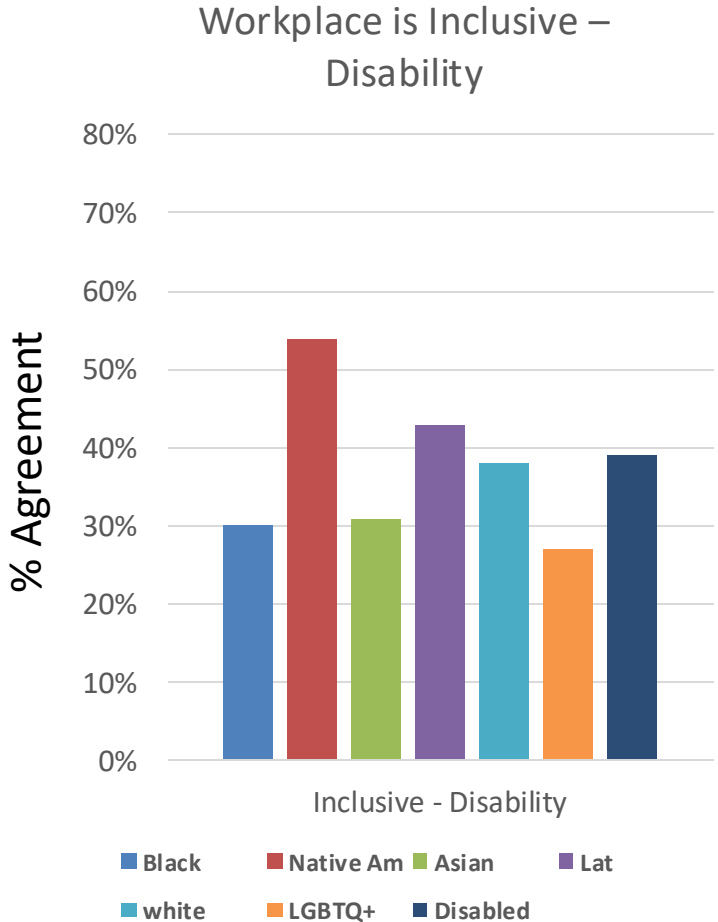
Exploring Dimensions of Fit and Identity

WORKPLACE EXPERIENCES (COMBINED)

Workplaces struggle to be inclusive across race, ethnicity, gender + sex identities ... (cont'd)

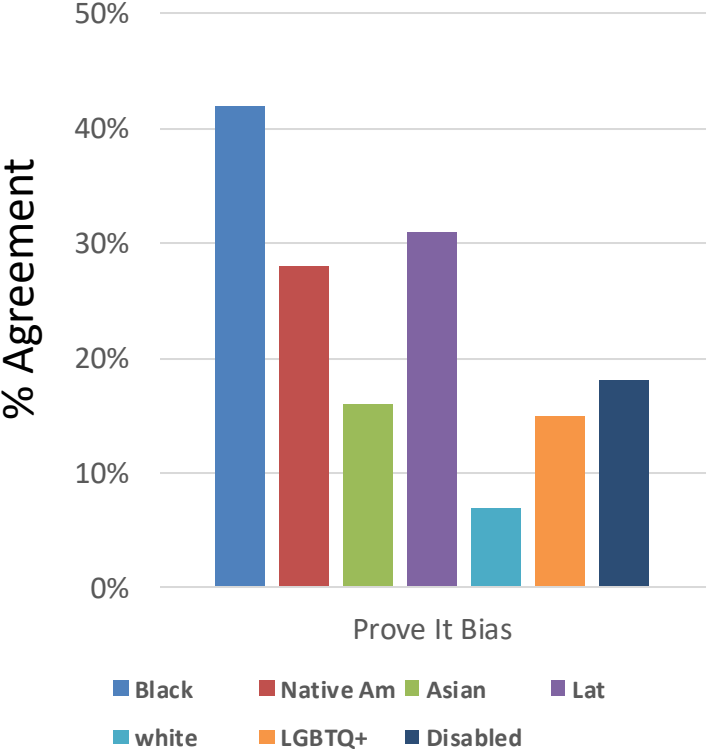


...Disability + Accepting Folks who are Different or Stand Out – but those inclusivity challenges have a greater impact on some groups than others

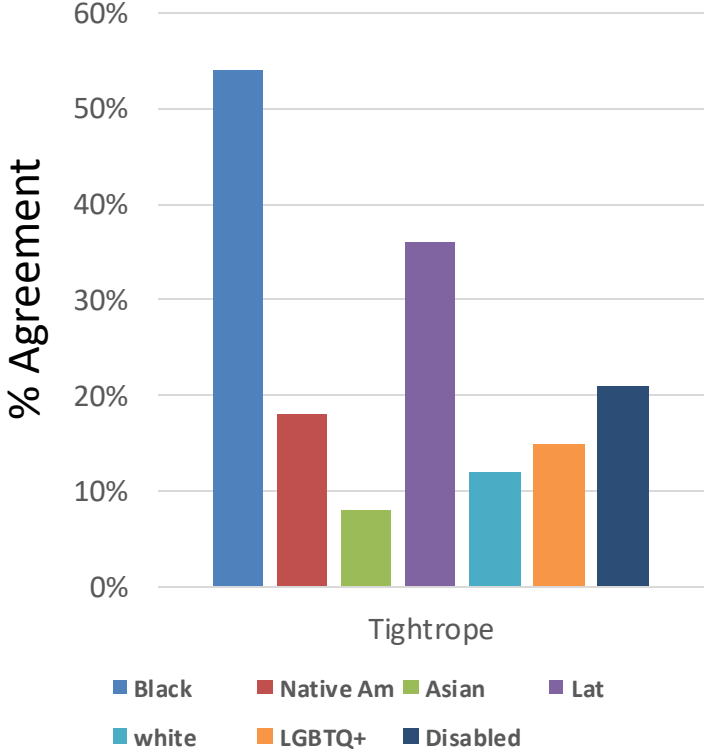


Disproportionate Impacts (1) : Systemic Experiential Biases Disproportionately Affect Some Identity Groups

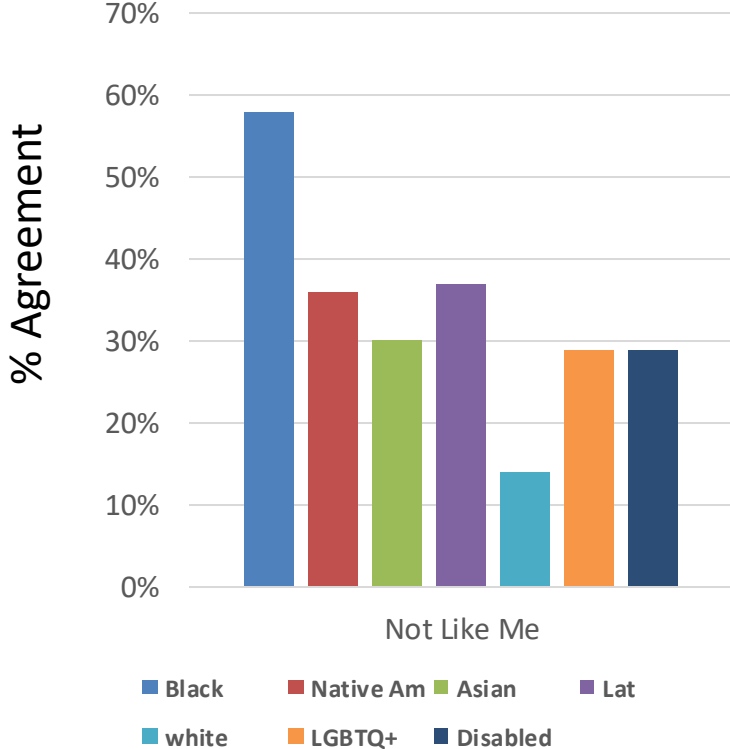
Prove it Bias – I have to provide more proof of competence than others



Tightrope Bias – I have to be careful not to trigger stereotypes others hold of me



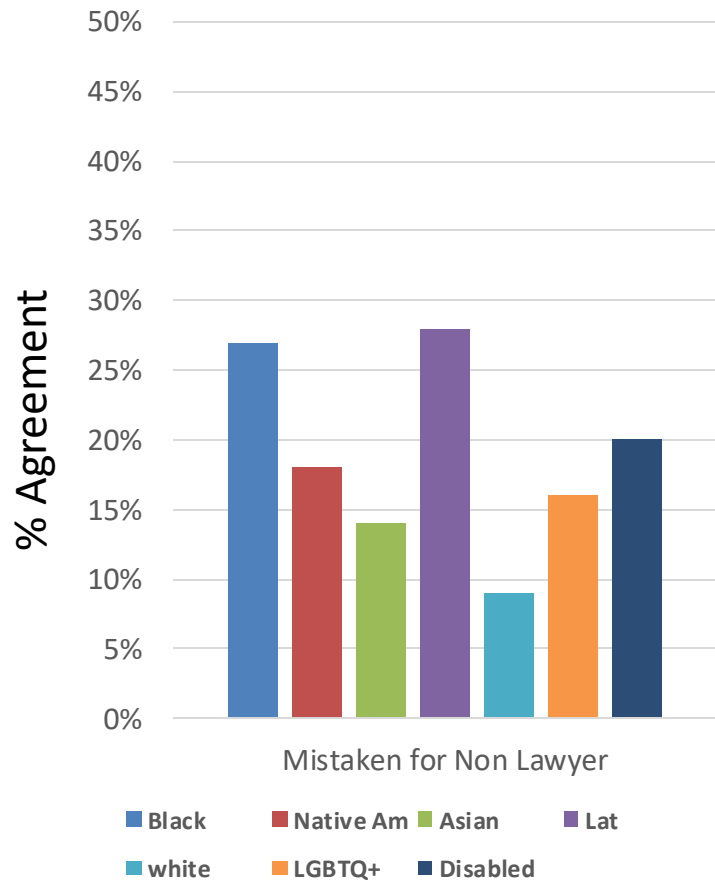
Representation Challenge – People I work with are not like me



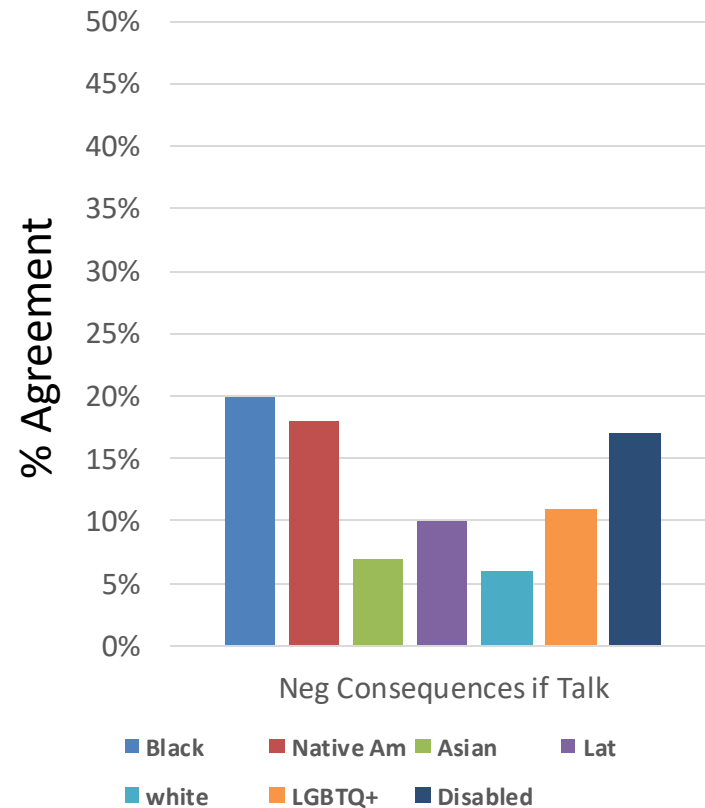
Disproportionate Impacts (2) : Systemic Experiential Biases

Disproportionately Affect Some Identity Groups

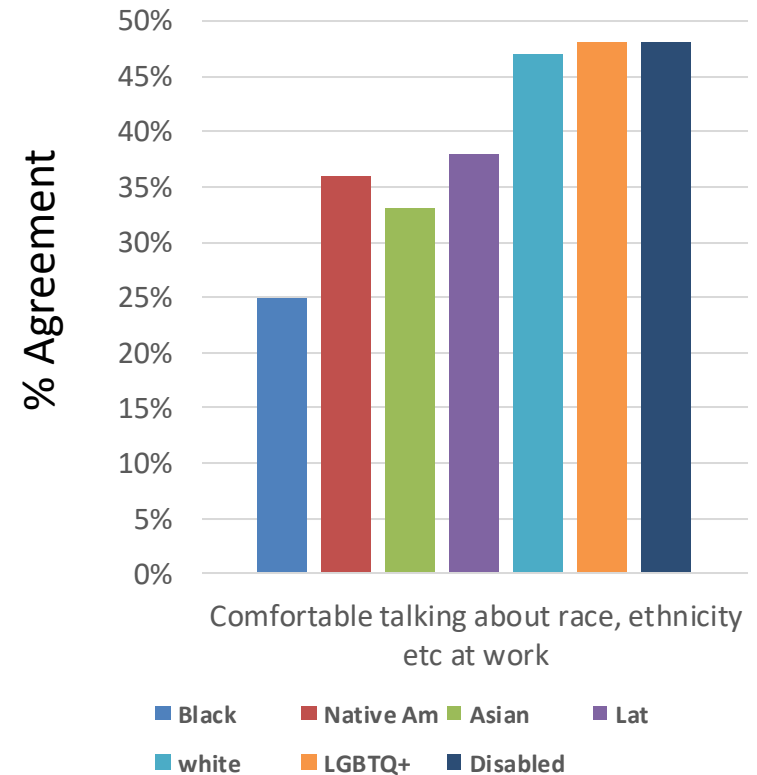
I'm Frequently Mistaken for a Non-Lawyer in Work Settings



I'd face negative consequences if I report unfair treatment at work

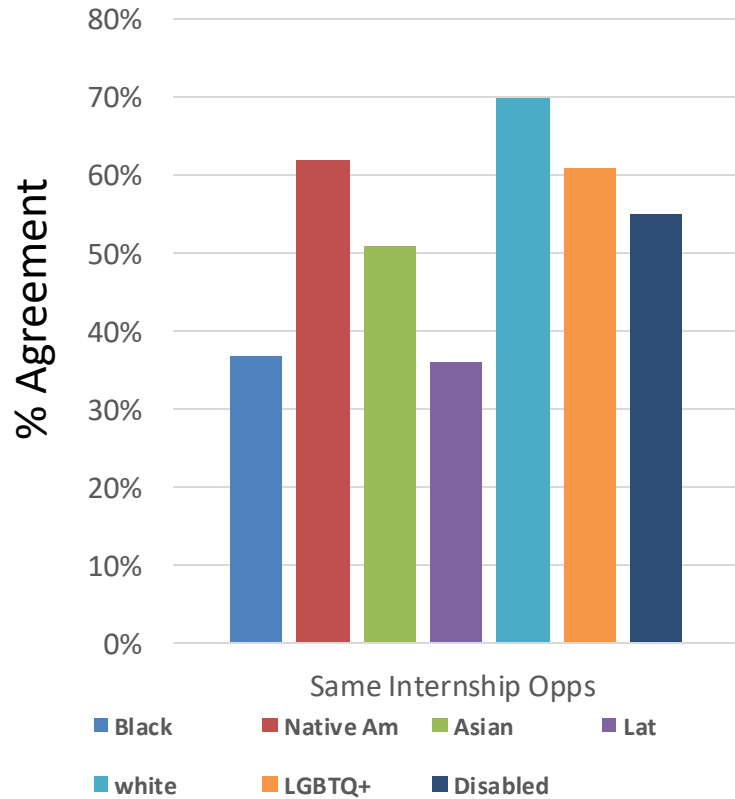


People at work are comfortable talking about issues of race, ethnicity, equity, diversity +/- or inclusion

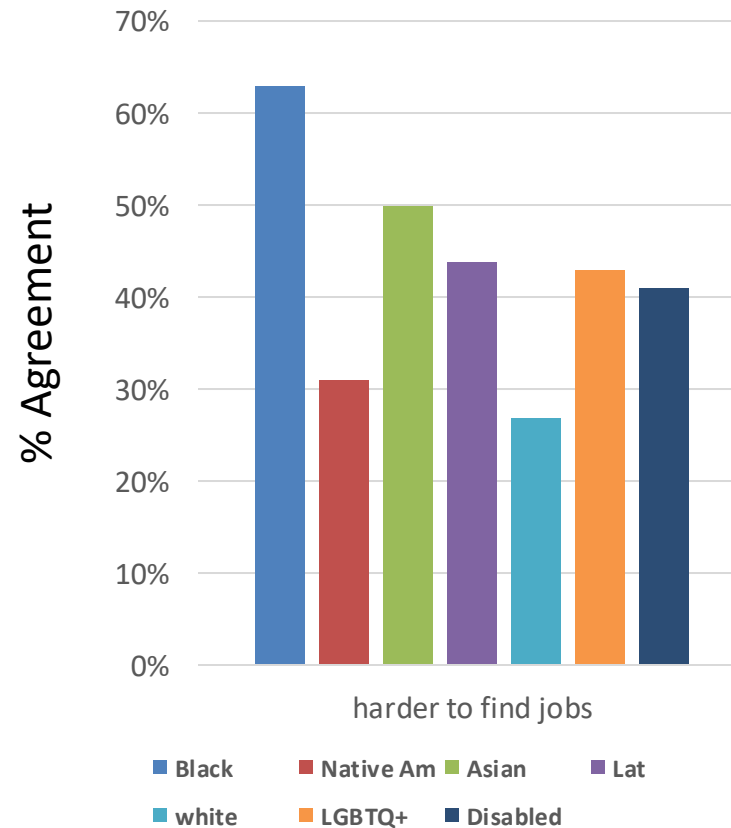


Opportunities Differ by Identity from Law School On

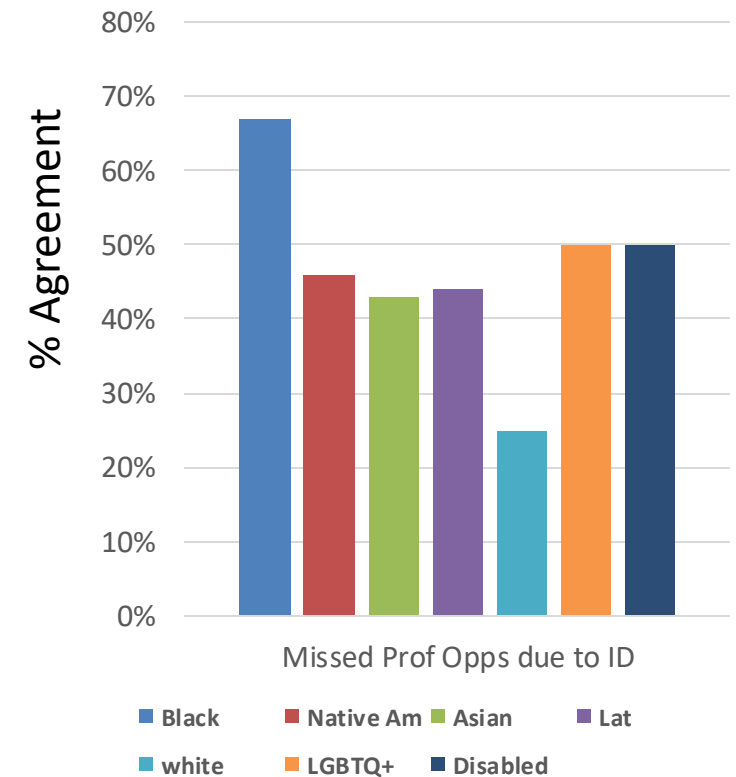
I had the same internship opportunities as everyone else in law school



Harder for me to find a good job than others equally qualified

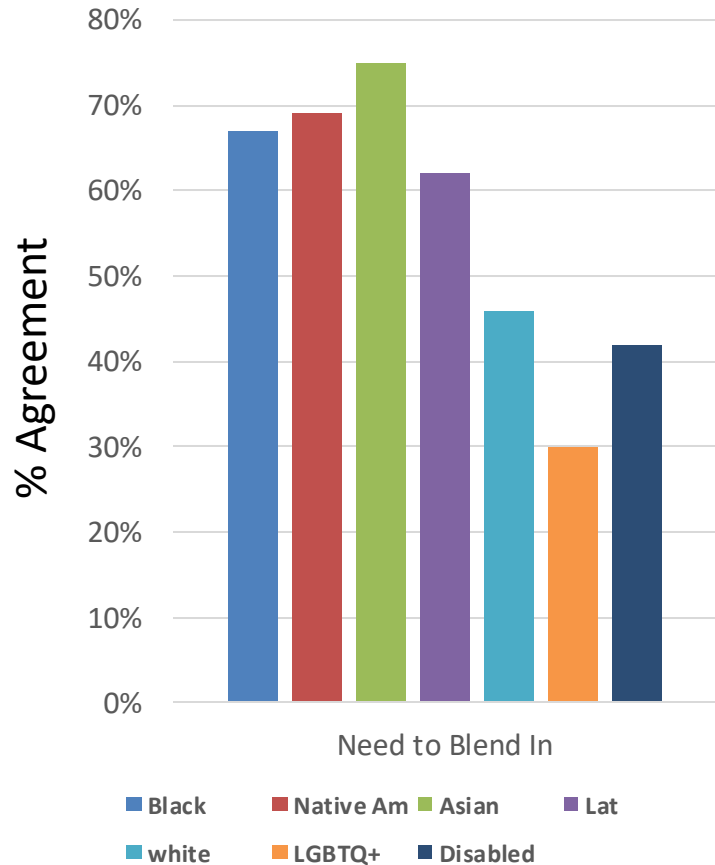


Missed out on professional opportunities due to my race, ethnicity, gender/sex ID or disability

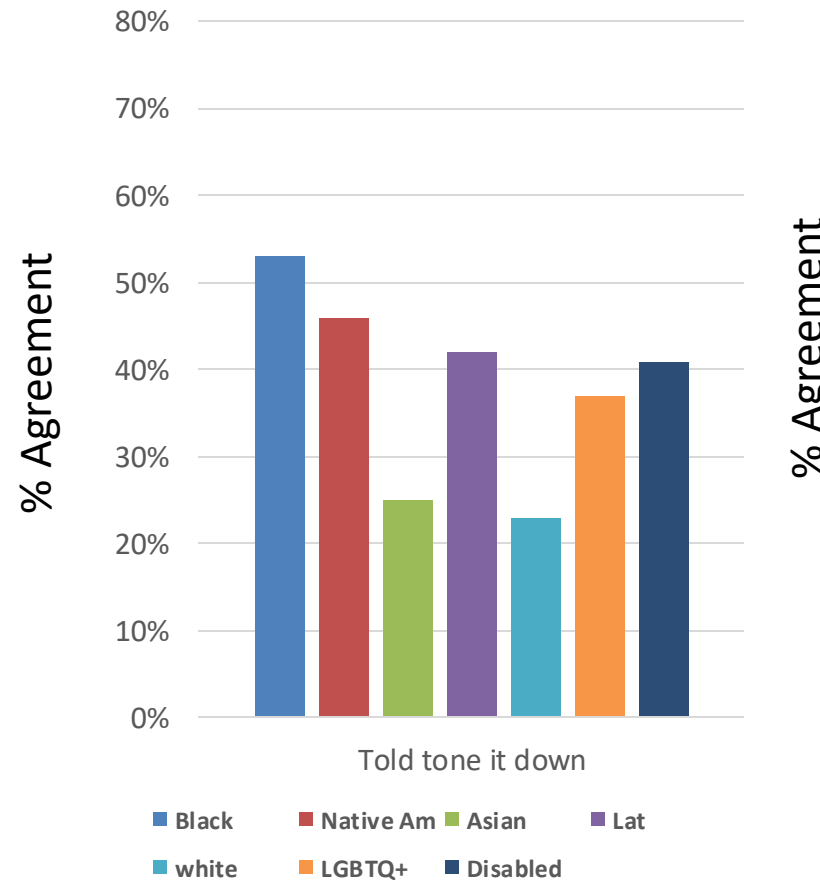


NonDominant groups experience more pressure to fit in and get less expert guidance

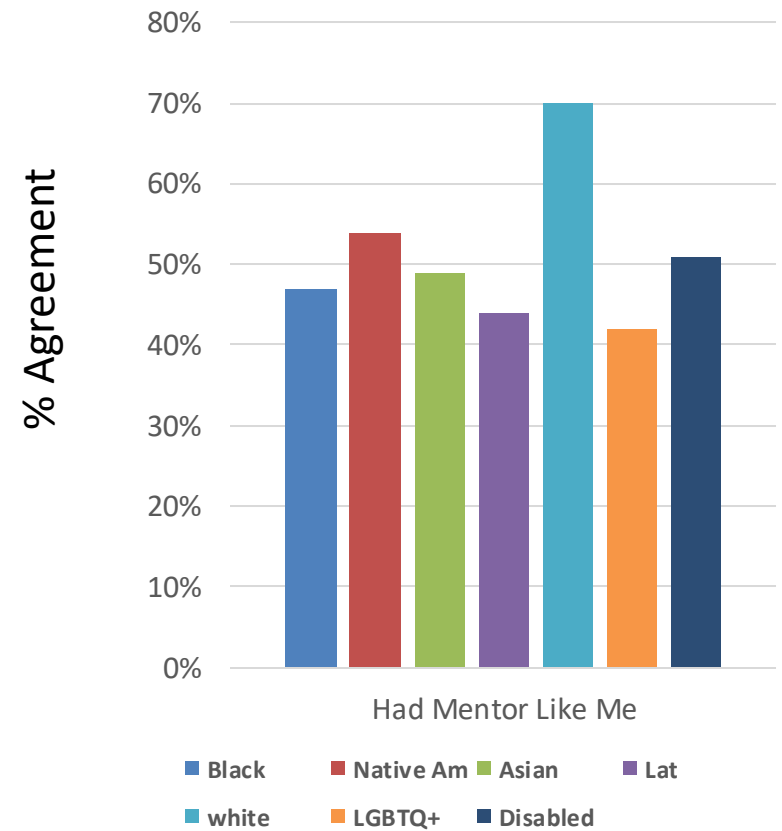
I need to blend in to be successful



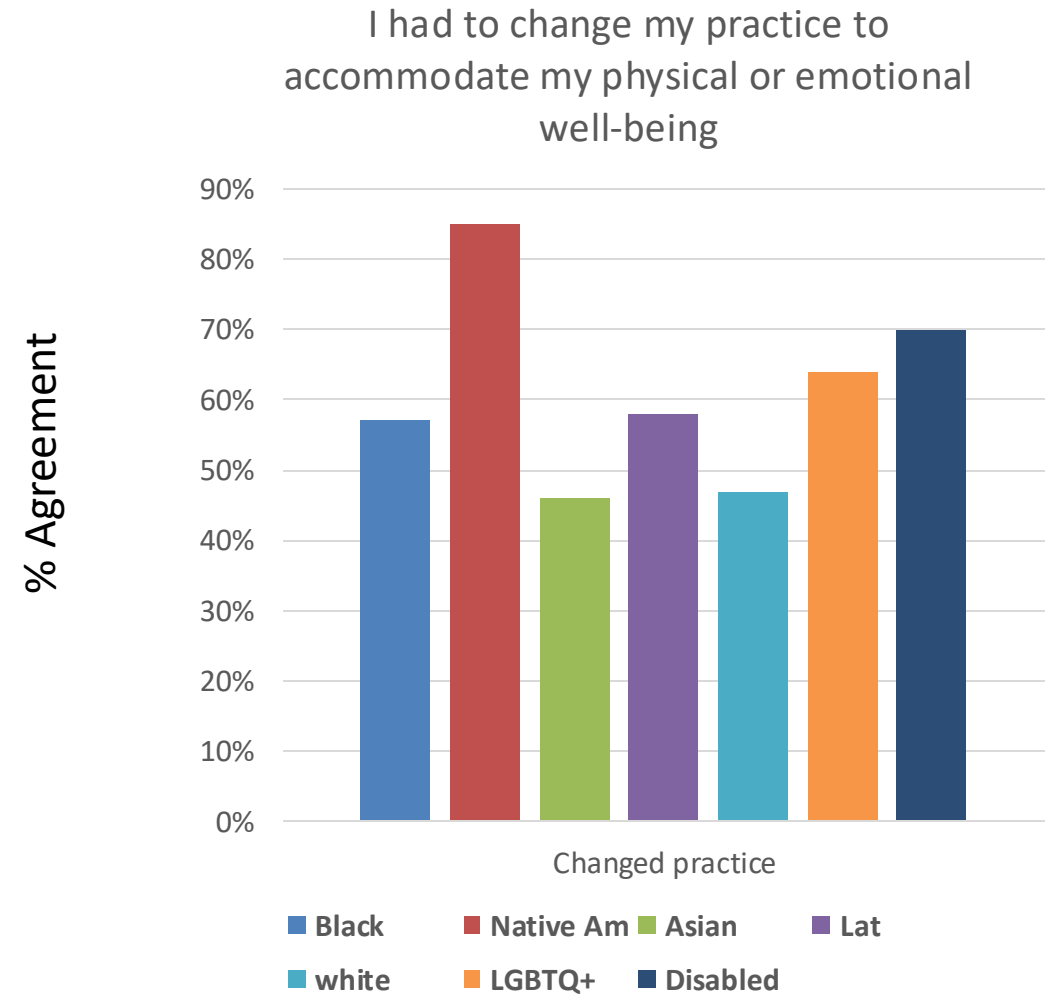
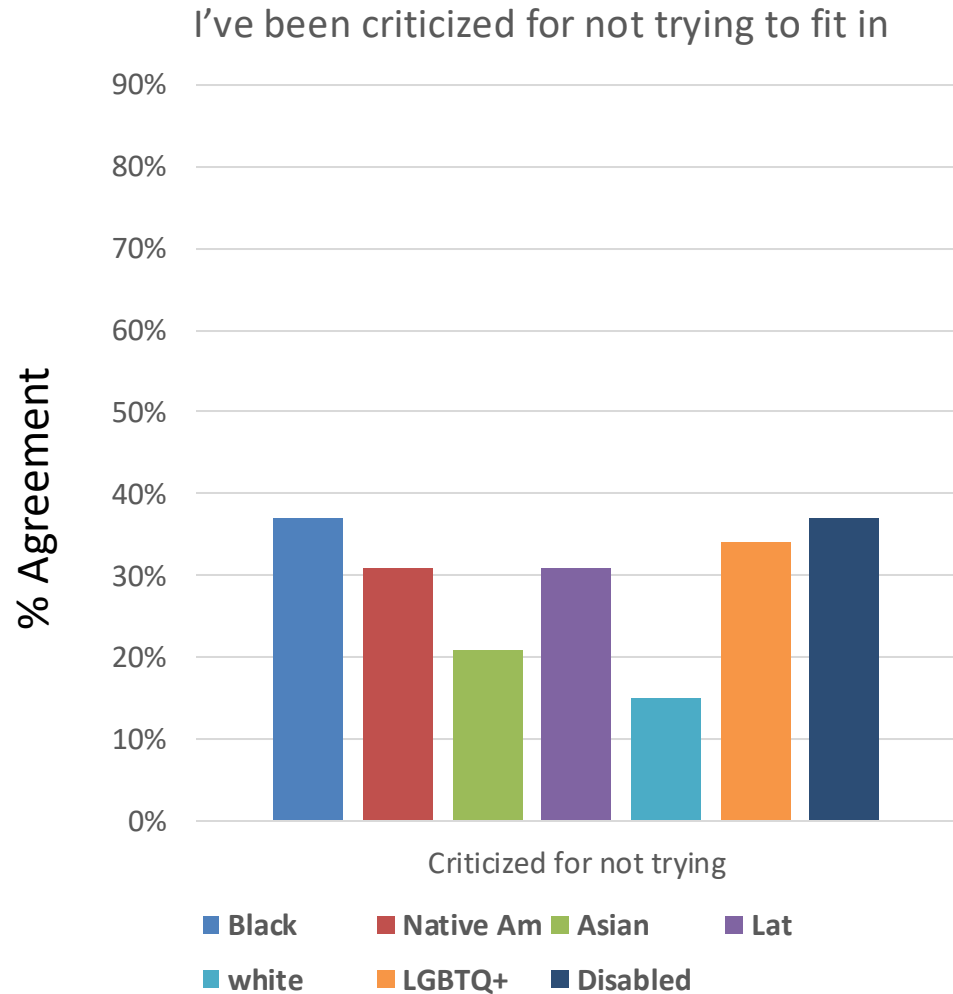
I've been told to tone it down in professional settings



Access to mentors w similar ID, background and experiences



Impacts of system – differential pressures to try harder to fit in or make changes to survive



Frequency and Nature of Microaggressions Witnessed + Experienced

WORKPLACE RASHOMON – INTERPERSONAL WORKPLACE ENVIRONMENTS AND EXPERIENCES ARE MEANINGFULLY DIFFERENT BY IDENTITY

Microaggression Evaluation – how it was done

Section C: Microaggressions (from the survey)

The next set of questions will be about “**microaggressions.**”

Microaggressions are subtle, intentional or unintentional insults, negative remarks or behaviors relating to race, ethnicity, language use, relationship type or status, gender, gender identity, sexual orientation, immigration status, political beliefs, religious beliefs, disability, age, amount of time lived in the US, or income level

C1_1 How often would you say that you witness or see microaggressions at work or while you were working?

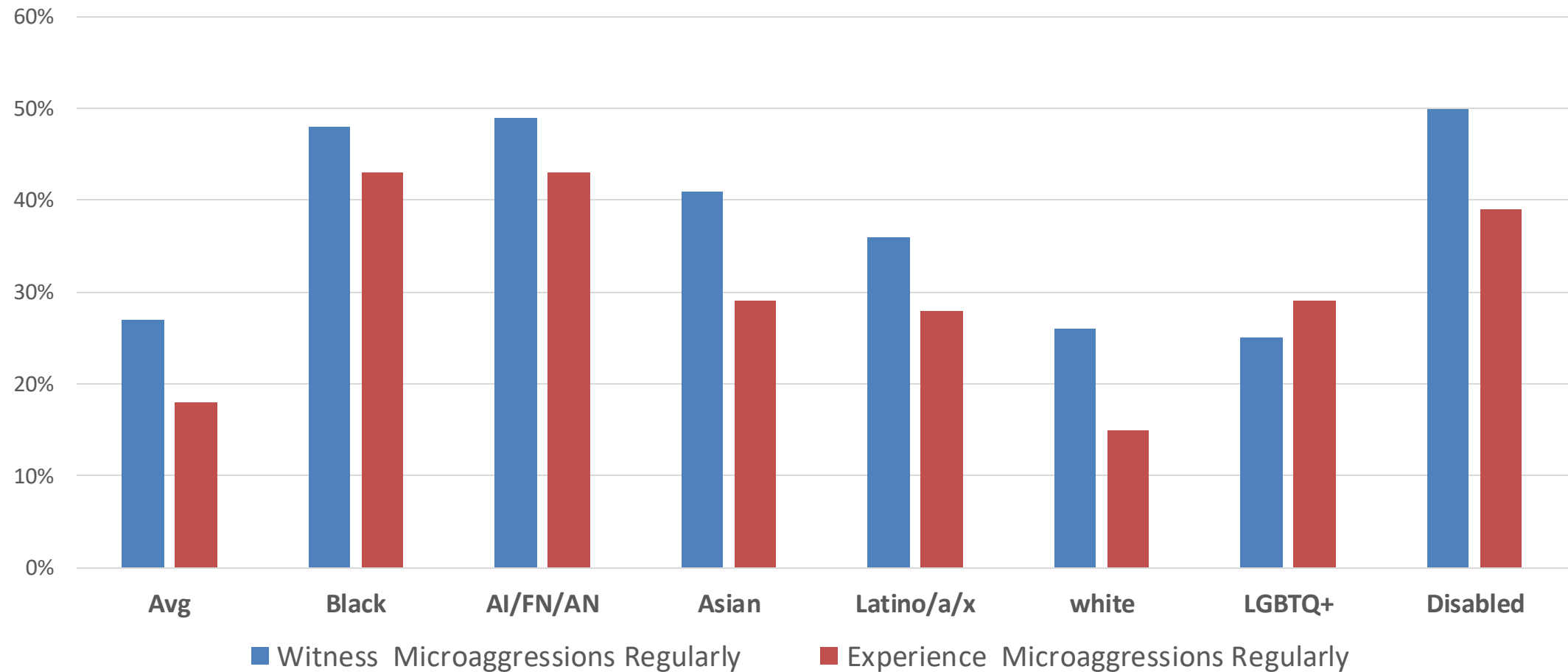
C1_2 How often are or were you you the target of microaggressions at work or while working?

| | | Daily | A few times per week | A few times per month | Rarely | Never |
|------|---|-------|----------------------|-----------------------|--------|-------|
| | | 1 | 2 | 3 | 4 | 5 |
| C1_1 | I WITNESS / WITNESSED microaggressions at work or while working: | 0 | 0 | 0 | 0 | 0 |
| C1_2 | I personally EXPERIENCE / personally EXPERIENCED or am the target of microaggressions at work or while working: | 0 | 0 | 0 | 0 | 0 |



= Microaggressions are regular and consistent

Microaggression assessments show clear, identity-based group differences in workplace experiences



“regular” is defined as happening several times per month at minimum – a frequency at which events are expected and considered “normal”

Identity Groups Perceive the Legal Workspace Differently, Highlighting The Need For Diverse Voices In Setting Norms

| | Black | Nat | Asian | Lat | white | LGBTQ+ | Disabled |
|---|-------|-----|-------|-----|-------|--------|----------|
| <u>Witness Micro-Aggressions regularly</u> | 47% | 55% | 40% | 38% | 25% | 25% | 50% |
| Based On: | | | | | | | |
| Race/Ethnicity | 72% | 73% | 59% | 65% | 32% | 32% | 51% |
| Relationship Type | 10% | 9% | 14% | 6% | 14% | 14% | 19% |
| Gender ID | 31% | 55% | 44% | 35% | 43% | 43% | 46% |
| Sexual Orientation | 21% | 18% | 15% | 18% | 16% | 16% | 25% |
| Disability | 7% | 9% | 14% | 15% | 12% | 12% | 50% |
| Politics | 17% | 27% | 22% | 32% | 32% | 32% | 36% |
| Age | 24% | 24% | 36% | 24% | 34% | 34% | 41% |
| Language Use | 14% | 0% | 25% | 21% | 10% | 10% | 11% |
| Skin Color/Tone | 25% | 27% | 10% | 18% | 6% | 6% | 15% |

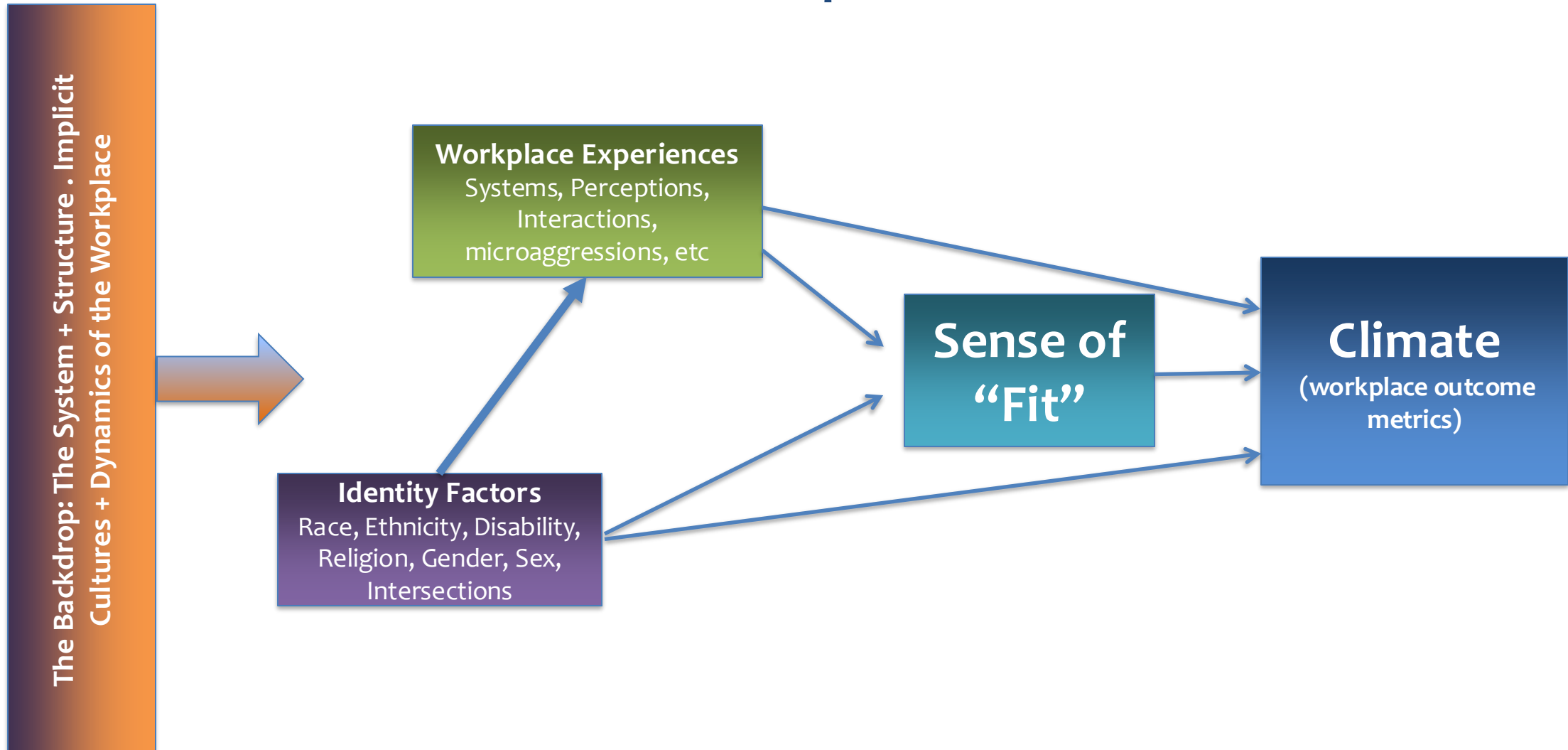
NonDominant Groups Experience Frequent Microaggressions Targeted at Identity-Based Aspects of Self

| | Black | Nat | Asian | Lat | white | LGBTQ+ | Disabled |
|---|------------|------------|------------|------------|------------|------------|-------------|
| Experience Micro-Aggressions regularly | 43% | 47% | 32% | 32% | 15% | 29% | 39% |
| Based On: | | | | | | | |
| Race/Ethnicity | 86% | 80% | 71% | 71% | 7% | 11% | 16% |
| Relationship Type | 11% | 10% | 7% | 0% | 11% | 21% | 14% |
| Gender ID | 32% | 50% | 33% | 14% | 43% | 54% | 34% |
| Sexual Orientation | 7% | 10% | 3% | 4% | 8% | 41% | 13% |
| Disability | 0% | 0% | 5% | 7% | 9% | 15% | 50%* |
| Politics | 11% | 20% | 12% | 11% | 17% | 15% | 20% |
| Age | 36% | 40% | 25% | 18% | 35% | 32% | 44% |
| Language Use | 11% | 0% | 20% | 29% | 3% | 4% | 4% |
| Skin Color/Tone | 25% | 30% | 15% | 25% | 2% | 4% | 7% |
| My Culture | 11% | 40% | 15% | 21% | 3% | 2% | 7% |

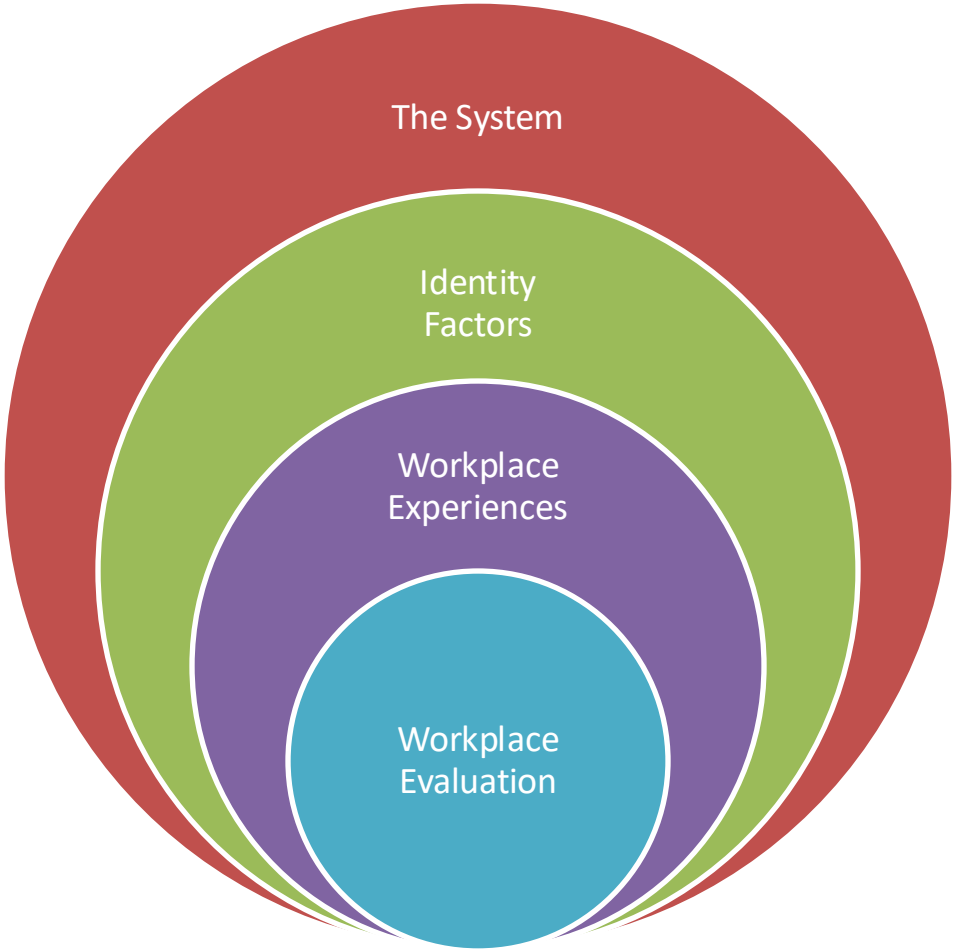
How do the pieces come together to affect evaluation, and what that suggests for next steps

PUTTING IT TOGETHER

With the implicit structures of the system as a backdrop, Identity Factors Affect Workplace Experiences, Sense of Fit and Perspective on the Workplace



Alt: With the implicit structures of the system as a backdrop, Identity Factors Affect Workplace Experiences, Sense of Fit and Perspective on the Workplace



TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
Diana Singleton, Chief Equity and Justice Officer
DATE: August 26, 2024
RE: Proposed Lived Experience Expert (LEE) Policy

FIRST READING: Request for Board of Governors to review proposed Lived Experience Expert Stipend Policy and give input to inform draft policy for a Second Reading.

Background

About a year ago, the Access to Justice (ATJ) Board submitted a proposed FY24 budget which included funding for stipends for ATJ Board members who have lived experience of systemic oppression and were low-income. The Budget and Audit Committee advised that before such stipends could be administered, WSBA would need to develop a policy and recommended that the ATJ Board propose such a policy.

The ATJ Board is still working on a comprehensive policy that will allow people with lived expertise to fully participate as volunteers on entities staffed by WSBA. In the meantime, WSBA staff have identified that not being able to pay low-income volunteers with lived experience limits WSBA's ability to recruit and support their participation.

For that reason, we propose that WSBA adopt the attached Lived Experience Expertise (LEE) Stipend Policy as the ATJ Board continues to work on a more comprehensive policy. The ATJ Board endorses this proposed policy and are available to share their perspectives at the Board of Governors meeting. In addition to the ATJ Board, the DEI Council recently reviewed the proposed policy and also voted in favor of endorsing the policy.

Previous drafts of the proposed policy were reviewed by the Budget and Audit Committee and refined in response to the Committee's input.

Purpose of the Proposed LEE Policy

The purpose of the proposed policy is to remove financial barriers for low-income people who have expertise that would inform policy and programs of entities staffed by WSBA. We are proposing to follow suit with the Washington State Executive Branch agencies and Judicial Branch who have adopted policies that remove financial barriers for people with lived experience so they can participate in public policy discussion and decisions.

The Washington State Legislature passed [Second Substitute Senate Bill \(2SSB\) 5793](#) in 2022, to establish guidance for Executive Branch agencies in working with lived experts, which states:

“The legislature finds that equitable public policy discussions should include individuals directly impacted by that policy. In order to do so, the legislature supports removing barriers to that participation. The legislature finds that asking community members with lower financial means to volunteer their time and

expertise while state employees and representatives of advocacy organizations receive compensation from their respective agency or organization for their time and experience ultimately hinders full and open public participation. As a result, the legislature finds that removing financial barriers for those individuals fosters increased access to government and enriches public policy discussions and decisions, ultimately leading to more equitable and sustainable policy outcomes.”

“Subject to available funding, agencies may provide a stipend to individuals who are low income OR have lived experience to support their participation...when the agency determines such participation is desirable...provided that the individuals are not otherwise compensated for their attendance at meetings.”

The bill was codified in [RCW 43.03.220](#) and the Washington State Office of Equity established [guidelines](#) both of which have informed our proposed policy and procedures for working with lived experience experts. The draft policy and procedures are also informed by the Administrative Office of the Court’s [Lived Experience Stipend guidelines](#). As you’ll see in AOC’s Lived Experience Expert Contracting [document](#), the people who are Lived Experience Experts (LEEs) are considered as contractors and can provide their expertise as contractors in three different ways: Single Instance LEE (for people whose work is limited to one-time engagements that cost \$600 or less in a calendar year), Individual LEE (for people whose work goes beyond one-time engagements and cost more than \$600 in a calendar year) and Multiple LEE Under One Contract (for multiple LEEs under one contract). The proposed WSBA LEE Stipend Policy is most similar to AOC’s Individual LEE engagement and Single Instance LEE.

Summary of Proposed Policy

Subject to available funding, WSBA may offer LEE stipends to individuals who provide their expertise in lived experience that directly informs WSBA policies, programs, and the work of the entities administered by WSBA. LEEs will be considered as independent contractors with the WSBA. Nothing in the policy shall create an employee/employer relationship between WSBA and individuals receiving LEE stipends.

WSBA may offer a LEE stipend to an individual who:

1. Volunteers for a one-time engagement (e.g., speaker at a CLE) and/or an ongoing engagement (e.g., member of a WSBA entity or entity administered by WSBA like a Supreme Court-created board);
2. Is low-income (household income is less than 400% of federal poverty level);
3. Has lived experience that will inform WSBA programs, policies, events, CLEs or work of an entity administered by the WSBA; and
4. Is not otherwise compensated for their volunteer work with WSBA.

The policy shall not be used to favor one viewpoint over another or to make classifications based on race, national origin, religion, or gender.

Procedures to Implement Policy

The procedure for determining who is eligible for a LEE stipend, what are LEEs paid for, how are the LEE stipends calculated and paid is included in “WSBA Procedure on Lived Experience Expert Stipends.” The calculation of the LEE stipends will be based on a flat amount as opposed to an hourly rate. We propose that the LEE stipends be budgeted and paid using Generally Accepted Accounting Principles as outlined in the WSBA Procedure on Lived Experience Expert Stipends.

WSBA RISK ANALYSIS: This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.

The confidential legal analysis is provided separately.

WSBA FISCAL ANALYSIS: This section is to be completed by the Finance Department, with input from the proposing entity or individual.

See attached fiscal analysis memo.

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 this proposed policy is create more equitable policies and programs. The proposed policy and procedures were informed by input from WSBA staff who serve as liaisons to volunteer groups, research from the Access to Justice Board, legal analysis from the General Counsel and input from the Budget and Audit Committee.

Attachments

Fiscal Analysis for Proposed Lived Experience Expertise Policy and Procedure

Draft Policy for Lived Experience Expert Stipends

Draft Procedure for Lived Experience Expert Stipends

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Tiffany Lynch, Director of Finance

Date: August 13, 2024

Re: Fiscal Analysis for Proposed Lived Experience Expertise Policy and Procedure

BACKGROUND

The proposed policy language allows for volunteers who meet four criteria to be eligible for an LEE stipend. The procedure outlines guidance regarding the stipend format (one-time engagement or ongoing engagement) and recommends that the stipend amounts be set at \$100 for a half-day meeting (defined as less than four hours), \$200 for a full-day meeting (defined as four hours or more), and \$300 for a one-time engagement. The stipend amounts are based on estimated participation and engagement in volunteer activities and the procedure references using RCW 43.03.220 "*Compensation of members of part-time boards and commissions*" limit of \$200 per day and the [Washington State Community Compensation Guidelines](#) (see pages 19-20).

ANALYSIS

To determine the estimated fiscal impact of this proposal, we gathered information from an internal team comprised of all staff liaisons to WSBA entities, with a focus on estimating the number of eligible LEE volunteers and annual hours contributed to address the potential ongoing engagement LEE stipends. We asked the team to provide estimates for the number of volunteers per group, number of meetings per year, amount of time per meeting, and any other routine time spent on entity work. This data also included volunteer work associated with subcommittees and workgroups of the primary entity. WSBA has some entities that are prohibited from receiving financial compensation; those groups were excluded from the calculations.

The estimated annual fiscal impact of this proposal is based on the following data and assumptions:

- Average number of volunteer meetings per year: 15
- Average number of volunteers per group: 18
- Average number of one-time engagements per year: 15 to 18. This is based on a combination of data collected for potential volunteer opportunities and existing honorariums applied to the FY24 budgeted based on current WSBA guidance which is included in the CLE Seminars, Diversity and Legal Lunchbox cost centers.
- Assume that volunteers of entities that have subcommittees and workgroups will participate in these subgroups and estimated hours are inclusive of primary meeting/work and subgroup time.
- Assume a range of 15-30% of Sections could have one member eligible for an ongoing engagement LEE stipend. This equates to 5 to 10 people annually.

- Assume that approximately 10% of the total number of members are eligible for an LEE stipend. This equates to an average of 14 volunteers per year. It was unclear in the data gathered whether any volunteers are currently eligible, so this is possibly a conservative estimate.

Based on the information collected, we calculated the fiscal impact based on a range of meeting lengths as some entities reported meeting lengths ranging between a half and full day stipend rate, in addition to the estimated varying number of one-time engagements as follows:

| Range | One-Time Engagements (\$300 each) | Ongoing Engagements (\$100-\$200 per meeting) | Estimated Total Cost |
|-------------|--------------------------------------|--|-------------------------|
| LOW | \$4,500 | \$29,400 | \$33,900 |
| HIGH | \$5,400 | \$35,800 | \$41,200 |

The annual stipend that a volunteer could earn for ongoing engagements ranges from \$200 to \$2,700, depending on the estimated number of meetings for their designated entity.

The estimates provided for ongoing engagements assume that 10% of the volunteers on each identified eligible entity is also eligible for an LEE stipend. For most entities that equates to one volunteer. However, this is based on the current makeup of volunteers. If the proposal is approved, we anticipate that the number of eligible volunteers may increase over time as individuals become aware of the opportunity to volunteer with stipend support, resulting in higher costs in the future.

THIRD DRAFT –Lived Experience Expert Stipends

Adopted: **Month D, YYYY.**

A. Purpose

In its efforts to create effective and equitable policies and programs, the WSBA recognizes that it is crucial to have the participation of people who have been or will be impacted by such policies and programs. The wisdom of people with direct lived experience of the legal system and legal profession is integral to WSBA's understanding and ability to develop policy and programs that improve the legal profession and the quality of legal services. Ensuring WSBA's work is informed by people with direct lived experience helps WSBA deliver on its mission to serve the public and its members, ensure the integrity of the legal profession, and to champion justice.

Economic realities, however, frequently prevent individuals with lived experience from participating in volunteer opportunities, such as service on WSBA entities. Offering Lived Experience Expert (LEE) stipends helps remove financial barriers to participation, which, in turn, helps dismantle systemic inequities. This policy sets forth the criteria for awarding LEE stipends.

B. Definitions

As used in this policy, the terms below are defined as follows:

- **Lived Experience:** Personal experience that is directly related to a relevant WSBA program, policy, event, CLE or work of an entity administered by the WSBA. **Lived Experience Expert (LEE):** A person who has direct lived experience that will assist with effecting more equitable outcomes in the work of the WSBA entity, program, policy development, event, CLE, or work of any entity administered by WSBA. LEEs may include licensed legal professionals or members of the public.
- **Entity:** Any body, no matter how named, working under the authority of, or administered by, the Bar, pursuant to the WSBA Bylaws, court rules or court order.
- **Income:** Money received on a regular basis before payments of taxes, social security, etc. Income does not reflect noncash benefits (www.census.gov/topics/income-poverty.html)
- **Low-Income:** An individual whose household income is not more than 400% of the federal poverty level (<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>). The person's household income is reviewed by X on an annual basis.
- **Otherwise Compensated:** The individual is already being paid for their participation by another party (e.g., the individual's employer allows them to use work time to attend a WSBA entity meeting). An LEE is not considered otherwise compensated due to reimbursement for any reimbursable expenses allowed by WSBA Fiscal Policies (e.g., mileage, lodging).

C. Policy

Subject to available funding, WSBA may offer LEE stipends to individuals who provide their expertise in lived experience that directly informs WSBA policies, programs, and the work of the entities administered by WSBA. LEEs will be considered as independent contractors with the WSBA. Nothing in this policy shall create an employee/employer relationship between WSBA and individuals receiving LEE stipends.

WSBA may offer a LEE stipend to an individual who:

- 1) Volunteers for a one-time engagement (e.g., speaker at a CLE) and/or an ongoing engagement (e.g., member of a WSBA entity or entity administered by WSBA like a Supreme Court-created board);
- 2) Is low-income, as defined in Section B of the Lived Experience Expert Stipend policy;
- 3) Has lived experience that will inform WSBA programs, policies, events, CLEs or work of an entity administered by the WSBA; and
- 4) Is not otherwise compensated for their volunteer work with WSBA.

The policy will not be used to favor one viewpoint over another or to make classifications based on race, national origin, religion, or gender.

D. Procedure

The procedure for determining who is eligible for a LEE stipend, what are LEEs paid for, how are the LEE stipends calculated and paid is included in the document, “WSBA Procedure on Lived Experience Expert Stipends.”

E. Funding

The amount of funding available for LEE Stipends will be set annually as an estimate of need in the budget process but may be modified during the fiscal year using the methods outlined in WSBA Fiscal Policies and Procedures which include budget reallocations, amendments, and reforecast. In the event that the approved annual budget needs modification, Department Directors shall work with the Director of Finance to determine the appropriate methodology for requesting a budget modification.

PROPOSED – WSBA Procedure on Lived Experience Expert (LEE) Stipends

Subject to available funding, WSBA may offer stipends to individuals who provide their expertise in lived experience that directly informs WSBA policies and programs, and the work of the entities administered by WSBA. The LEE Stipend Policy will not be used to favor one viewpoint over another or to make classifications based on race, national origin, religion, or gender. Nothing in this procedure shall create an employee/employer relationship between the person paid a LEE stipend and WSBA.

Why LEE stipends?

In its efforts to create effective and equitable policies and programs, the WSBA recognizes that it is crucial to have the participation of people who have been or will be impacted by such policies and programs. The wisdom of people with direct lived experience of navigating the legal system and legal professional is integral to WSBA's understanding and ability to develop policy and programs that improve the legal profession and the quality of legal services. Ensuring our work is informed by people with direct lived experience helps WSBA deliver on its mission to serve the public and its members, ensure the integrity of the legal profession and to champion justice. Offering stipends helps to remove financial barriers to participation and dismantle systemic inequities.

Who is eligible for a LEE stipend?

WSBA may offer a LEE stipend to an individual who:

- 1) Volunteers for a one-time engagement (e.g., speaker at a CLE) and/or an ongoing engagement (e.g., member of a WSBA entity or entity administered by WSBA like a Supreme Court-created board;
- 2) Is low-income, as defined in Section B of the Lived Experience Expert Stipend policy;
- 3) Has lived experience that will inform WSBA programs, policies, events, CLEs or work of an entity administered by the WSBA; and
- 4) Is not otherwise compensated for their volunteer work with WSBA.

Definitions:

- **Lived Experience:** Personal experience that is directly related to a relevant WSBA program, policy, event, CLE or work of an entity administered by the WSBA. An example of what could constitute personal experience is a person who has utilized pro bono services to address housing instability and domestic violence. This person's first-hand experience with pro bono services could provide insight for the Pro Bono and Public Service Committee to improve pro bono trainings and resources.
- **Lived Experience Expert (LEE):** A person who has direct lived experience that will assist with effecting more equitable outcomes in the work of the WSBA entity, program, policy development, event, CLE, or work of any entity administered by WSBA. LEEs may include licensed legal professionals or members of the public.
- **Entity:** Any body, no matter how named, working under the authority of, or administered by, the Bar, pursuant to the WSBA Bylaws, court rules or court order.
- **Income:** Money received on a regular basis before payments of taxes, social security, etc. Income does not reflect noncash benefits (www.census.gov/topics/income-poverty.html)

- **Low-Income:** An individual whose household income is not more than 400% of the federal poverty level (<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>). The person's household income is reviewed by X on an annual basis.
- **Otherwise Compensated:** The individual is already being paid for their participation by another party (e.g., the individual's employer allows them to use work time to attend a WSBA entity meeting). An LEE is not considered otherwise compensated due to reimbursement for any reimbursable expenses allowed by WSBA Fiscal Policies (e.g., mileage, lodging).

What are LEEs paid for?

LEEs will be considered as independent contractors with the WSBA and can be paid for one-time engagements and/or for ongoing engagements.

- **One-Time Engagement:** These types of engagements are short-term and often in a single instance. Examples include an LEE speaking or writing about their personal lived experience which is related to program content at a CLE, training, meeting or event, or an LEE serving on a focus group or selection committee where they are asked to give input or perspectives based on personal lived experience or a LEE writing an article for WSBA publications. LEE Stipends for one-time engagements are different from speaker fees. Speakers may charge a speaker's fee for any speaking engagements or trainings they do. If a speaker/trainer does not charge a speaker's fee and the speaker is being asked to speak from lived experience, they should be offered a LEE Stipend.
- **Ongoing Engagement:** These types of engagements require a longer-term commitment where the LEE is sharing their expertise on an ongoing basis. Examples include a LEE providing their perspectives as a member of an entity administered by WSBA.

The stipend is separate from any reimbursable expenses allowed by WSBA Fiscal Policies (e.g., mileage, lodging).

How are stipend amounts calculated?

The stipend amounts should be budgeted based on their participation and engagement in volunteer activities. The stipends help remove financial barriers for low-income volunteers so they can participate but are not meant to offer compensation for every hour worked, amounting to a part-time job. Here is a non-exhaustive list of activities and how much they are compensated for:

- Half-Day Meeting (less than four hours): \$100
- Full-Day Meeting (four hours or more): \$200
- One-Time Engagements (includes all activities associated with the engagement like presentation, preparation, travel time, reviewing materials, and drafting articles): \$300

Stipend amounts should be based on amounts stated in [RCW 43.03.220](#) (which provides for compensation for members of part-time boards and commissions) and amounts used by the Washington State Office of Equity. RCW 43.03.220 provides that "stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group," as well as the Office of Equity's [Community Compensation Guidelines](#) (see pages 19-20) which provides that attending meetings over four hours should be paid

\$200 and meetings less than four hours ranges from \$45-180 depending on the length of the meeting). Further, the guidelines provide that one-time engagement activities, which are low-barrier, low-intensity opportunities such as surveys, interviews are paid between \$25-\$200. One-time engagements at WSBA are more involved as they include activities like speaking at CLEs or drafting *Bar News* articles so should be paid a higher amount than the Office of Equity's Community Compensation Guidelines. Staff should budget for LEE stipends based on how many activities are estimated for the fiscal year and disbursement of stipends should be capped based on the budget. These amounts shall be reviewed on an annual basis by staff and the Procedures should be updated.

How are stipends paid?

WSBA should offer to LEEs different options on how they would like to receive payment to ensure they can select the option most equitable to them. Each option has equity considerations staff can communicate to LEEs to ensure they understand what is needed to process payment. It is also important for staff to understand what information is needed from the individual to abide by federal tax requirements, such as collecting a completed W-9 form. Options include but are not limited to: direct deposit/electronic bank deposit, paper check by mail, or money orders. The payments shall be disbursed quarterly.

If the stipend will amount to more than \$600/year, the LEE will need to submit a W-9 to WSBA in order to be paid. If a LEE receives \$600 or more in a calendar year¹, the Internal Revenue Service (IRS) requires a 1099-MISC form to be sent to the volunteer. People who are low-income, are unhoused, are limited English language proficient, and/or have disabilities may qualify for free tax-filing support through the IRS's Volunteer Income Tax Assistance and Tax Counseling for the Elderly programs. LEEs should be given any information about this free support. LEEs should also be informed that receiving stipends could affect their eligibility for public benefits and be advised that they may want to consult with Northwest Justice Project's CLEAR legal aid [hotline](#) or a public benefits agency before receiving any stipends (see also page 8-13 on Office of Equity's compensation [guidelines](#) for information on public benefits eligibility).

How are LEE stipends budgeted?

WSBA follows Generally Accepted Accounting Principles (GAAP), which includes a method of accounting by fund. There are four funds: 1) General Fund- primary fund used for majority of operations, 2) Continuing Legal Education Fund (CLE)- funds support CLE seminars, products, and desk books, 3) Client Protection Fund (CPF)- fund supports operations specifically for the purposes outlined for the CPF which is WSBA's only legally restricted fund, and 4) Sections Fund- supports operations of each individual section (29 in total). Separating financial activity by fund means that expenses for LEE stipends are being supported by the revenue earned in each of the funds. After determining the calculation for stipend amounts, the funds will be included as part of the annual budget and separated by fund and budgeted as follows:

- General Fund: stipends will be budgeted in the Volunteer Engagement cost center
- CLE Fund: stipends will be budgeted in the CLE Seminars cost center

¹ The \$600 limit does not include funds received as a reimbursement from the WSBA. Examples include mileage, parking, and meals.

- CPF Fund: stipends will be budgeted in the Client Protection Fund cost center
- Sections Funds: stipends will be budgeted in each Section's annual budget which is proposed by Section leadership and approved by the Board of Governors.

What is the process for application and setting expectations?

People who are asked for their lived experience expertise should be informed of the WSBA Policy and Procedures for LEE Stipends. If a person believes they may be eligible, they may submit a confidential application to X (X = one centralized staff team/person TBD). The application will ask the person to confirm the number of people in their household, their household income and their lived expertise is directly related to a relevant program, policy, event, CLE, or work of an entity administered by WSBA. Any personal information submitted will be immediately returned to the person and not subject to public records requests. Once X confirms the application is complete, the individual will sign an agreement that affirms their eligibility and outlines the expectations that the volunteer must meet to receive the stipend.

What is the step-by-step process that staff should follow?

1. Staff working with potential LEEs should inform them of the LEE Stipend Policy, the option to apply for LEE stipends, the budgeted capped amount of the stipend and the process required including submitting an application and entering into a contract as an independent contractor.
2. Applications for a LEE stipend will be submitted to X (X = one centralized staff team/person TBD). X will review the application to ensure it is complete and the person meets the LEE criteria. If the person meets the LEE criteria, X will send the person an agreement that outlines the expectations the LEE must meet to receive the stipend and the capped budgeted amount the LEE could be paid during the term of the contract. If the estimated amount is more than \$600, X should also request the LEE to complete a W-9.
3. Staff should track attendance of the volunteers throughout the year. At the end of each quarter, the staff should process payment of the LEE stipend for the eligible volunteer based on the LEE meeting the expectations outlined in the agreement.